ORDINANCE NO. _____

An ordinance adding Section 41.58.1 to Article 1 of Chapter IV of the Los Angeles Municipal Code to prohibit loud or unruly gatherings on residential property in the City of Los Angeles and amending Los Angeles Municipal Code Section 11.2.04 to clarify administrative fine amounts.

WHEREAS, the City of Los Angeles, pursuant to the police powers delegated to it by the California Constitution, has the authority to enact laws which promote the public health, safety and general welfare of its residents;

WHEREAS, the occurrence of loud or unruly gatherings on residential property is a threat to the quiet enjoyment of property and to public health, safety, and welfare due to excessive noise, traffic, obstruction of streets, service of alcohol to minors, public drunkenness, fights, disturbances of the peace, vandalism and litter;

WHEREAS, at times, the Police Department and other City personnel are called upon to respond, sometimes on multiple occasions, to loud or unruly parties. These gatherings are a burden on scarce City resources and can result in delayed responses to emergency calls and thereby reduce the public safety protection to the rest of the City; and

WHEREAS, to mitigate the negative impacts of loud or unruly gatherings, residential property owners and persons responsible for these gatherings should be held accountable through the issuance of administrative citations and other penalties.

NOW, THEREFORE,

THE PEOPLE OF THE CITY OF LOS ANGELES
DO ORDAIN AS FOLLOWS:

Section 1. Section 41.58.1 is added to Article 1 of Chapter IV of the Los Angeles Municipal Code to read as follows:

SEC. 41.58.1. LOUD OR UNRULY GATHERINGS.

(a) **Definitions.**

1. **"Citation"** means an Administrative Citation issued pursuant to Article 1.2 of Chapter 1 of this Code, unless otherwise specified.

2. **"Enforcement Officer"** shall have the same meaning as in Section 11.2.02 of this Code.

3. **"Loud or Unruly Conduct,"** as used in this section, includes any of the following conduct if in violation of any provision of this Code or State law:

A. Loud noise;

B. Obstruction of a street or public right-of-way, including a sidewalk;

C. Public intoxication or drinking in public;

D. The service of alcoholic beverages to minors;

E. Possession and/or consumption of alcohol by minors;

F. Assault, battery, fights, domestic violence or other disturbances of the peace;

G. The sale or service of alcoholic beverages without a required State license;

H. Vandalism or destruction of property;

I. Litter;

J. Urinating or defecating in public; or

K. Trespassing.

4. **"Loud or Unruly Gathering"** means a gathering of persons at any Residence where Loud or Unruly Conduct occurs at the Residence or within 500 feet of the Residence, and which threatens or interferes with the public health, safety or welfare, or the comfortable enjoyment of life and property.

5. **"Minor"** means any person under 21 years of age.

6. **"Owner"** means any person who owns the Residence where a Loud or Unruly Gathering occurs.

7. **"Person"** means an individual or any firm, association, organization, partnership, trust, business, corporation, company or entity.

8. **"Residence"** means any "residential building," as that term is defined in Section 12.03 of this Code, and includes any garage, carport, walkway, yard, patio, deck, or other structure or area on the lot on which the residential building is located.

9. **"Responsible Party"** means:

A. Any person who rents, leases or otherwise is in charge of the Residence where a Loud or Unruly Gathering occurs; or

B. Any person who organizes or sponsors a Loud or Unruly Gathering at a Residence.

(b) **Loud or Unruly Gatherings Prohibited.** Loud or Unruly Gatherings are prohibited and shall constitute a public nuisance subjecting the Owner and/or Responsible Party to fines and/or penalties under this section. The City may abate a Loud or Unruly Gathering by all available means, including, but not limited to, an order of a peace officer requiring persons at the Loud or Unruly Gathering to leave the Residence, the issuance of a Citation, and/or the arrest of any person committing a criminal violation under this section or any other applicable State or local law.

(c) **Posting of Notice Regarding a Loud or Unruly Gathering.** An Enforcement Officer responding to a Loud or Unruly Gathering shall post or attach, on the front entrance of the Residence at which the Loud or Unruly Gathering occurs, a notice meeting the following requirements:

1. The notice shall state, at a minimum:

A. The name and agency of the Enforcement Officer who responded to the Loud or Unruly Gathering;

B. The address of the Residence and the date of the Loud or Unruly Gathering, along with a description of the Loud or Unruly conduct observed;

C. That Loud or Unruly Gatherings may result in the imposition of fines and/or penalties against any Responsible Party and/or Owner; and

D. It is unlawful to alter, tamper with or deface the notice, or remove it prior to 30 days from the date of the posting.

2. The notice shall be a minimum of 8 1/2 " x 11" in size, have black letters on contrasting background white or colored paper, and be made of durable laminated or other weather resistant material.

(d) **Removal of Posted Notice Prohibited.**

1. It shall be unlawful for any person to alter, tamper with or deface a posted notice described in Subdivision (c), or remove it prior to 30 days from the date of the posting.

2. If a posted notice is altered, tampered with, defaced, or removed prior to 30 days from the date of posting, the notice shall be replaced and a new 30-day posting period shall commence on the date of replacement.

(e) **Notice to Owner**. A copy of the notice posted pursuant to Subdivision (c) of this section shall be served on the Owner by personal service or by depositing in the mail for delivery by the United States Postal Service, in a sealed envelope, postage prepaid, addressed to the Owner shown on the County's last equalized property tax assessment roll.

(f) **Citation Issued to Owner Absent during the Loud or Unruly Gathering.** An Owner not present during the Loud or Unruly Gathering may be issued a Citation for any subsequent violation of Subsection (b) after personal service of the notice in Subsection (e) or, if the notice is only mailed, ten (10) calendar days after the mailing of the notice to the Owner pursuant to Subsection (e). The Citation to the Owner not present during the Loud or Unruly Gathering may be issued by personal service or by depositing in the mail for delivery by the United States Postal Service, in a sealed envelope, postage prepaid, addressed to the Owner shown on the County's last equalized property tax assessment roll.

(g) **Citation.** An Enforcement Officer may issue a Citation to the Owner and/or Responsible Party for a violation of Subsection (b) or (d) of this section.

(h) **Fines and Penalties for Violations.**

1. An Owner and/or Responsible Party issued a Citation in violation of Subsection (b) of this section shall be subject to the following fines:

A. An administrative fine of $100 for a first violation

B. An administrative fine of $500 for a second violation;

C. An administrative fine of $1,000 for a third violation;

D. An administrative fine of $2,000 for a fourth violation;

E. An administrative fine of $4,000 for a fifth violation; and

F. An administrative fine of $8,000 for a sixth violation and $8,000 for each subsequent violation.

G. A violation occurring after a period of 12 consecutive months of no violations shall be considered a first violation.

A Responsible Party and/or Owner shall be subject to these escalating administrative fines for subsequent Loud or Unruly Gatherings even if at different Residences associated with the Responsible Party and/or owned by the Owner.

2. **Fine for Removal of Posted Notice**. Any person in violation of Subsection (d) of this section may be issued a Citation subject to an administrative fine of $500.

(i) **Administrative Process Applicable to Citations**. Unless otherwise specified herein, all Citations issued for violations of this section shall be subject to the provisions set forth in Article 1.2 of Chapter 1 of this Code, including, but not limited to, the administrative hearing and appeal process and the City's authority to use any civil remedy available to collect any unpaid administrative fine.

(j) **Criminal and Other Remedies Available**. Any violation of Subsection (b) or (d) of this section may be prosecuted as a misdemeanor. In cases where the City Attorney elects to criminally prosecute a violation, the defendant shall be subject to all applicable penalties authorized by Section 11.00 (m) of this Code, and not the administrative fines authorized by this section.

(k) **Severability**. If any provision of this section is found to be unconstitutional or otherwise invalid by any court of competent jurisdiction, that invalidity shall not affect the remaining provisions of this section which can be implemented without the invalidated provisions, and to this end, the provisions of this section are declared to be severable.

Sec. 2. Subsection (b) of Section 11.2.04 of the Los Angeles Municipal Code is amended in its entirety to read as follows:

(b) For all other Administrative Violations, the Administrative Fine imposed shall be in the following amounts, unless otherwise specified in this Code.

1. Two hundred and fifty dollars ($250) for a first violation; provided, however, that the amount shall be one hundred dollars ($100) for a first violation of any provision of Chapter V, Article 3, Sections 53.00 and following, of this Code.

2. Five hundred dollars ($500) for a second violation of the same code provision, statute, ordinance, order, condition or requirement; provided, however, that the amount shall be two hundred and fifty dollars ($250) for a second violation of the same provision of Chapter V, Article 3, Sections 53.00 and following, of this Code.

3. One thousand dollars ($1,000) for a third or any subsequent violation of the same code provision, statute, ordinance, order, condition or requirement; provided, however, that the amount shall be five hundred dollars

($500) for a third, and one thousand dollars ($1,000) for a fourth or any subsequent, violation of the same provision of Chapter V, Article 3, Sections 53.00 and following, of this Code.

4. Nothing in this section shall preclude or limit the Administrative Hearing Officer's authority to impose a greater Administrative Fine, not to exceed one thousand dollars ($1,000), in accordance with Subsection (b) of Section 11.2.09.

Sec. 3. The City Clerk shall certify to the passage of this ordinance and have it published in accordance with Council policy, either in a daily newspaper circulated in the City of Los Angeles or by positing for ten days in three public places in the City of Los Angeles: one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall; one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall East; and one copy on the bulletin board located at the Temple Street entrance to the Los Angeles County Hall of Records.

Approved as to Form and Legality

MICHAEL N. FEUER, City Attorney

By _____
HEATHER AUBRY
Deputy City Attorney

Date JAN 10 2018

File No. 12-1824-S1

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I hereby certify that the foregoing ordinance was passed by the Council of the City of Los Angeles.

CITY CLERK

MAYOR

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Ordinance Passed _____

Approved _____