CONTINUED AGENDA
EL SEGUNDO CITY COUNCIL
EL SEGUNDO CLUBHOUSE
300 EAST PINE AVE
El Segundo, CA 90245

The City Council, with certain statutory exceptions, can only take action upon properly posted and listed agenda items.

Unless otherwise noted in the Agenda, the Public can only comment on City-related businesses that are within the jurisdiction of the City Council and/or items listed on the Agenda during the Public Communications portion of this Meeting. The time limit for comments is five (5) minutes per person.

Before speaking to the City Council, please come to the podium and state: Your name, residence, and the organization you represent, if desired. Please respect the time limits.

In compliance with the Americans and Disabilities Act, if you need special assistance to participate in this meeting, please contact the City Clerk, 524-2305. Please notify 48 hours prior to the meeting, which will enable the City to make reasonable arrangements to ensure accessibility to this meeting.

CONTINUED MEETING OF THE EL SEGUNDO CITY COUNCIL
WEDNESDAY, JUNE 13, 2018, 8:30 AM

8:30 A.M. SESSION – To Run Concurrently with the Special City Council Meeting (Strategic Planning Session).

CALL TO ORDER

PLEDGE OF ALLEGIANCE – Council Member Brann

ROLL CALL

PUBLIC COMMUNICATIONS – (Related to City Business Only) – 5 minute limit per person, 30 minute limit total) Pursuant to Government Code § 54954.3(a), the only public comment that will be permitted during this Special Meeting is that pertaining to the agenda item listed below. Individuals who have received value of $50 or more to communicate to the City Council on behalf of another, and employees speaking on their behalf of their employer, must so identify themselves prior to addressing the City Council. Failure to do so shall be a misdemeanor and punishable by a fine of $250. While all comments are welcome, the Brown Act does not allow Council to take action on any item not on the agenda. The Council will respond to comments after Public Communications is closed.
A. CONSENT AGENDA

1. Consideration and possible action regarding the second reading and adoption of Ordinance No. 1567 to prohibit gatherings where underage drinking or illegal drug use occurs, and Ordinance No. 1568 to prohibit loud and unruly gatherings and provide a means for the City to hold responsible persons liable by imposing civil penalties and, for repeat offenders, holding them accountable for enforcement response costs associated with responding to recurring nuisances.

Consideration and possible action to adopt Resolution No. ___ amending the schedule of fines for administrative citations pertaining to violations of Ordinance Nos. 1567 and 1568. (Fiscal Impact: To Be Determined)

Recommendation – 1) Waive second reading and adopt Ordinance Nos. 1567 and 1568; 2) Adopt Resolution No.___; 3) Alternatively, discuss and take other possible action related to this item.

ADJOURNMENT

POSTED: DATE: 11.18.20
TIME: 5:00 pm
NAME: Grace Weaver
AGENDA DESCRIPTION:
Consideration and possible action regarding the second reading and enactment of Ordinance No. 1567 to prohibit gatherings where underage drinking or illegal drug use occurs, and Ordinance No. 1568 to prohibit loud and unruly gatherings and provide a means for the City to hold responsible persons liable by imposing civil penalties and, for repeat offenders, holding them accountable for enforcement response costs associated with responding to recurring nuisances.

Consideration and possible action to adopt Resolution No. ___ amending the schedule of fines for administrative citations pertaining to violations of Ordinance Nos. 1567 and 1568.

RECOMMENDED COUNCIL ACTION:
1. Waive second reading and enact Ordinance Nos. 1567 and 1568;
2. Adopt Resolution No. ___;
3. Alternatively, discuss and take other possible action related to this item.

ATTACHED SUPPORTING DOCUMENTS:
1. Ordinance No. 1567;
2. Ordinance No. 1568; and
3. Resolution No. ___.

FISCAL IMPACT: None.

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STRATEGIC PLAN:
Goal: El Segundo is a safe and prepared city.
Objective: The City has a proactive approach to risk and crime.

PREPARED BY: Bill Whalen, Chief of Police
Natalie C. Karpeles, Deputy City Attorney

REVIEWED BY: Sam Lee, Planning and Building Safety Director

APPROVED BY: Greg Carpenter, City Manager

BACKGROUND AND DISCUSSION:
On June 5, 2018, the City Council introduced the first reading of Ordinance No. 1567 to prohibit gatherings where underage drinking or illegal drug use occurs, and Ordinance No. 1568 to prohibit loud or unruly gatherings. Additionally, Ordinance No. 1568 provides a means for the City to hold responsible persons liable by imposing civil penalties and, for repeat offenders, holding them accountable for enforcement response costs associated with responding to recurring nuisances. Following due consideration of the two Ordinances, the City Council provided staff with direction regarding the appropriate administrative citations for a violation of each Ordinance. These fine
amounts are to be established by Resolution, which is now presented to the City Council for adoption.

I. Social Host Liability Ordinance ("Chapter 7-13").

The prohibitions proposed by Chapter 7-13 are expected to deter consumption of alcoholic beverages and marijuana use by minors by holding persons responsible who encourage, are aware of or should be aware of this illegal conduct by minors but fail to take reasonable steps to prevent it. Penalties for a violation of Chapter 7-13 would subject the violator to an administrative citation, which would oblige the citee to pay civil penalties; these penalties would be established by City Council resolution. The proposed fines for a violation of Chapter 7-13 are $1,000 for a first offense, $2,000 for a second offense, and $5,000 for each additional offense within a 12-month period.

II. Loud and Unruly Gathering Ordinance ("Chapter 7-12").

Chapter 7-12 would hold residential property owners and persons responsible for loud or unruly gatherings through the issuance of administrative citations and other penalties. Penalties for a violation of Chapter 7-12 would subject the violator to an administrative citation, which would oblige the citee to pay civil penalties; these penalties would be established by City Council resolution. The proposed fines for a violation of Chapter 7-12 are $2,500 for a first offense, $5,000 for a second offense, and $7,500 for each additional offense within a 90-day period. Any "new" violation which arises more than 90-days from the date of the first violation would be considered a "first" violation and would trigger the escalating fines indicated above, starting with $2,500.

III. Collection of Enforcement and Response Costs.

Ordinance No. 1568 adds regulations to allow the City to recover enforcement costs from both prohibited gatherings and ongoing public nuisance properties by establishing fees to recover emergency response costs associated with service calls that result from specified nuisance conditions that do not require an emergency response or that are due to the property owner's continued neglect. These response costs may be collected in the same manner that the city collects costs related to administrative citations, generally.

IV. Resolution Regarding Fine Amounts.

With regard to both Ordinances, the attached Resolution No. ___ establishes the schedule of fines for administrative citations when there are violations of Chapters 7-12 and 7-13. The schedule represents the City Council's direction during deliberations about these proposed Chapters. The Resolution is presented to the City Council for adoption and is meant to correspond with the date both Ordinances would go into effect, if enacted.

RECOMMENDATION:

Staff recommends that the Council:
1. Waive second reading and enact Ordinance Nos. 1567 and 1568;
2. Adopt Resolution No. ___;
3. Alternatively, discuss and take other possible action related to this item.
ORDINANCE NO.

AN ORDINANCE OF THE CITY OF EL SEGUNDO ADDING CHAPTER 13 TO TITLE 7 OF THE EL SEGUNDO MUNICIPAL CODE PROHIBITING THE HOSTING, PERMITTING OR ALLOWING OF GATHERINGS AT WHICH PERSONS UNDER 21 YEARS OF AGE ARE CONSUMING ALCOHOLIC BEVERAGES AND/OR USING MARIJUANA ILLEGALLY

The City Council of the City of El Segundo does ordain as follows:

SECTION 1: Findings.

A. Minors often obtain or possess marijuana and/or consume alcoholic beverages at parties held on private property and under the control of a person who knows or should know of this conduct but fails to prevent it.

B. Underage use of marijuana and/or consumption of alcoholic beverages poses an immediate threat to the public health, safety and welfare in that it increases alcohol abuse by minors, physical altercations, violent crimes (including rape and other sexual offenses), accidental injury, neighborhood vandalism and excessive noise disturbance, all of which may require intervention by the Police and/or Fire Departments.

C. Emergency responses to disturbances involving underage use of marijuana and/or consumption of alcoholic beverages at private parties frequently require the use of extensive resources. Further, when Police and/or Fire Department personnel respond to disturbances at private parties, it limits their ability to respond to other service calls in the community, thereby placing the community at increased risk. The City is not currently reimbursed for its expenses when emergency response personnel are called to a private party to enforce underage drinking or drug use.

D. The City’s municipal code prohibits the consumption or possession of alcohol in certain public places, including public streets, parking lots, City parks and the beach, but does not have any rules to address underage drinking on private property (ESMC §§ 7-6-8, 10-1-4, 10-3-11).

E. The prohibitions proposed by this ordinance are reasonable and intended to deter use of marijuana and/or consumption of alcoholic beverages by minors by holding responsible those persons who encourage, are aware of or should be aware of this illegal conduct by minors but fail to take reasonable steps to prevent it.

SECTION 2: Chapter 13 (Social Host Regulations) is added to Title 7 (Nuisances and Offenses) of the El Segundo Municipal Code to read, in its entirety, as follows:

"CHAPTER 13
SOCIAL HOST REGULATIONS"
7-13-1: PURPOSE:

A. The purpose and intent of this chapter is:

1. To facilitate the enforcement of laws prohibiting usage of marijuana by minors and the service and consumption of alcoholic beverages by minors as well as to deter the service and consumption of alcoholic beverages by minors, and to promote the reduction of underage drinking and drug use;

2. To protect public health, safety and welfare and quiet enjoyment of property and properties neighboring the location of gatherings at which minors use marijuana and/or are served and consume alcoholic beverages; and

3. To establish a duty of persons twenty-one years of age or older having control over any premises, who knowingly host, permit or allow a gathering at the premises to take reasonable steps to prevent the service and consumption of alcoholic beverages and/or use of marijuana by minors.

B. This chapter should not be construed as adding any additional authority for any law enforcement officer or government official to either enter private property or subject any property or person to search or seizure that does not otherwise exist independent of the provisions of this chapter.

C. It is not the intent of this chapter to impose strict liability against a parent or legal guardian whose best intentions and reasonable efforts to prevent the service and consumption of alcoholic beverages or use of marijuana by minors at a gathering are circumvented by the actions of any person to obtain alcoholic beverages and/or marijuana at the premises or to bring concealed alcoholic beverages or marijuana to the premises.

7-13-2: DEFINITIONS:

Unless the contrary is stated or clearly appears from the context, the following definitions will govern the construction of words and phrases used in this chapter:
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 other liquid or solid containing alcohol, spirits, wine or beer, and which contains one-half of one percent or more of alcohol by volume and which is fit or beverage purposes either alone or when diluted, mixed, or combined with other substances.

GATHERING: Means a party, gathering, or event where three or more persons have assembled or are assembling for a social occasion or social activity.

MARIJUANA: Means all parts of the plant Cannabis sativa L., whether growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin.

MINOR: Means any person under twenty-one (21) years of age.

PREMISES: Means a home, yard, apartment, condominium, hotel or motel room, or other dwelling unit, or any commercial, business or industrial site, hall or meeting room, whether occupied on a temporary or permanent basis, and whether owned, leased, rented or used with or without compensation.

RESPONSIBLE PERSON: Means and includes:

A. The person who owns, rents, leases, or otherwise has control of the premises where the gathering occurs;
B. The person in charge of the premises where the gathering occurs;
C. The person who organized the gathering; and/or
D. The person who supervised the gathering.

7-13-3: GATHERING AT WHICH MINORS USE MARIJUANA AND/OR CONSUME ALCOHOLIC BEVERAGES PROHIBITED:

A. It is unlawful and a public nuisance for a responsible person to cause or allow a gathering to take place at the premises whenever the responsible person either: (1) intentionally provides or causes the provision of marijuana and/or an alcoholic beverage to a minor for consumption/use; or (2) knows or reasonably should have known alcoholic beverages or marijuana are being unlawfully consumed and/or used by minors.

B. It is the duty of a responsible person to take all reasonable steps to prevent the consumption/use of marijuana and alcoholic beverages by any minor at a gathering. Reasonable steps include, but are not limited to, controlling the access to and provision of marijuana and alcoholic beverages to minors, and monitoring the responsible, safe and lawful conduct of minors on the premises.

C. Whenever a responsible person is present at the premises during the gathering where minors are consuming alcoholic beverages or using marijuana, it is prima facie evidence that such person had the knowledge or should have had the knowledge specified in subsection (A), above.
7-13-4: EXEMPTIONS:

This chapter does not apply to:

A. Any California Department of Alcoholic Beverage Control licensee at any premises licensed and regulated by the Department of Alcoholic Beverage Control.

B. Conduct involving the use of alcoholic beverages which occurs exclusively between a minor child and his or her parent or legal guardian, including the possession or consumption of an alcoholic beverage in connection with a cultural or religious activity. This exemption does not include any conduct which would contribute to the delinquency of a minor (a violation of Penal Code section 272).

C. Behavior which the city is expressly preempted from prohibiting under state law, specifically, the Medicinal and Adult use Cannabis Regulation and Safety Act.

D. A responsible person who called 911 and reported that a minor was in need of medical attention due to alcohol consumption or marijuana use, was the first person to make the 911 call, and when reporting that a minor was in need of medical assistance, remained on the scene with the minor until that medical assistance arrived and cooperated with medical assistance and law enforcement personnel on the scene.

E. A responsible person who requests immediate assistance from the police department to remove any person who refuses to abide by the requesting person’s performance of duties imposed by this chapter, or to terminate the gathering because of the requesting person’s ability to prevent minors from consuming alcoholic beverages or using marijuana despite having taken reasonable steps to do so, as long as such request is made before any other person makes a complaint about the gathering.

7-13-5: VIOLATION; PENALTY:

A. The City Council may adopt a resolution establishing a schedule of administrative fines for a violation of this chapter.

B. In addition to the administrative fines described in this chapter, the responding law enforcement officer may issue an order requiring the gathering to be disbanded and may cite and/or arrest any violators under any other applicable ordinances and statutes.

C. For any responsible person who is a juvenile, each parent and/or legal guardian of the juvenile will be considered a responsible person liable for any fines, penalties and fees imposed pursuant to this chapter.

D. Nothing in this chapter is deemed to prevent the city from commencing a civil or criminal proceeding to abate a public nuisance or from pursuing any other means available under any other statute, ordinance or law (civil or criminal), to correct conduct regulated by this chapter in addition to or as alternatives to the procedures set forth herein. This chapter in no way limits
the authority of the police department to make arrests for any criminal
offense arising out of conduct regulated by this chapter.

7-13-6: RESPONSE COST REIMBURSEMENT:

A. In response to a gathering in which minors have obtained, consumed or
used alcoholic beverages and/or marijuana, the responsible person is liable
for the cost of providing law enforcement and/or code enforcement services,
pursuant to the provisions in Sections 1-2A-28 et seq. The law enforcement
and/or code enforcement dues include the cost of personnel and
equipment. Such fee is determined to be supplementary to all other
applicable fines and penalties.

B. The amount of such fee charged is deemed a debt to the city of the person
or persons receiving such services and if such person or persons be minors,
then the amount is deemed a debt of the minor’s parents or guardians. Any
person owing money is liable in an action brought on behalf of the city for
recovery of the actual costs of enforcement. Actual costs include, in
addition to the law and/or code enforcement service fee, costs and
expenses in bringing such recovery action including, but not limited to,
reasonable attorney’s fees, witness fees, and associated costs and
expenses. Such costs and expenses will be in addition to the applicable
fines and penalties referenced in section 7-13-5 and any other fines and
penalties provided by law."

SECTION 3: Environmental Analysis. Because of the facts set forth in Section 1, this
Ordinance is categorically exempt from further environmental review under the California
Environmental Quality Act (California Public Resources Code §§21000, et seq., "CEQA")
and CEQA Guidelines (14 California Code of Regulations §§15000, et seq.), because it
consists only of minor revisions and clarifications to existing regulations and procedures.
It does not have the effect of deleting or substantially changing any regulatory standards
or findings required thereof. The Ordinance is an action that does not have the potential
to cause significant effects on the environment. Accordingly, this ordinance is exempt
from further environmental review pursuant to 14 Cal. Code Regs. §15168(c)(2).

SECTION 4: CONSTRUCTION. This ordinance must be broadly construed in order to
achieve the purposes stated in this ordinance. It is the City Council’s intent that the
provisions of this ordinance be interpreted or implemented by the City and others in a
manner that facilitates the purposes set forth in this ordinance.

SECTION 5: ENFORCEABILITY. Repeal of any provision of the El Segundo Municipal
Code does not affect any penalty, forfeiture, or liability incurred before, or preclude
prosecution and imposition of penalties for any violation occurring before this ordinance's
effective date. Any such repealed part will remain in full force and effect for sustaining
action or prosecuting violations occurring before the effective date of this ordinance.

SECTION 6: VALIDITY OF PREVIOUS CODE SECTIONS. If this entire ordinance or its
application is deemed invalid by a court of competent jurisdiction, any repeal or
amendment of the ESMC or other city ordinance by this ordinance will be rendered void
and cause such previous ESMC provision or other ordinance to remain in full force and effect for all purposes.

SECTION 7: SEVERABILITY. If any part of this ordinance or its application is deemed invalid by a court of competent jurisdiction, the City Council intends that such invalidity will not affect the effectiveness of the remaining provisions or applications and, to this end, the provisions of this ordinance are severable.

SECTION 8: The City Clerk is directed to certify the passage and adoption of this ordinance; cause it to be entered into the City of El Segundo's book of original ordinances; make a note of the passage and adoption in the records of this meeting; and, within 15 days after the passage and adoption of this ordinance, cause it to be published or posted in accordance with California law.

SECTION 9: This Ordinance will become effective on the thirty-first day following its passage and adoption.

PASSED AND ADOPTED this ___ day of ____________ , 2018.

________________________________________
Drew Boyles, Mayor

ATTEST:
STATE OF CALIFORNIA   )
COUNTY OF LOS ANGELES  )  SS
CITY OF EL SEGUNDO     )

I, Tracy Weaver, City Clerk of the City of El Segundo, California, do hereby certify that the whole number of members of the City Council of said City is five; that the foregoing Ordinance No. ___ was duly introduced by said City Council at a regular meeting held on the ___ day of ____________ , 2018, and was duly passed and adopted by said City Council, approved and signed by the Mayor, and attested to by the City Clerk, all at a regular meeting of said Council held on the ___ day of ____________ , 2018, and the same was so passed and adopted by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

________________________________________
Tracy Weaver, City Clerk

APPROVED AS TO FORM:
Mark D. Hensley, City Attorney
ORDINANCE NO.

AN ORDINANCE AMENDING TITLE 7 OF THE EL SEGUNDO MUNICIPAL CODE TO PROHIBIT LOUD AND UNRULY GATHERINGS AND TO PERMIT THE CITY TO RECOVER COSTS ASSOCIATED WITH LAW ENFORCEMENT, FIRE AND OTHER PUBLIC SERVICES WHEN RESPONDING TO RECURRING NUISANCES

The City Council of the City of El Segundo does ordain as follows:

SECTION 1: Findings.

A. The City of El Segundo, 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. Furthermore, Government Code § 38771 authorizes the City to declare what constitutes a nuisance by ordinance;

B. 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, public drunkenness, fights, disturbances of the peace, vandalism and litter;

C. 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;

D. Persons who actively or passively aid, abet, or allow loud and unruly gatherings to occur on their property should be held liable for the nuisances created by such gatherings. 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;

E. The City may recover its nuisance abatement costs through local regulations, including, without limitation, reasonable attorney’s fees (see City of Santa Paula v. Narula (2003) 114 Cal.App.4th 485, reh’g den. 2004);

F. The City Council finds it is in the public interest to adopt this ordinance to deter loud or unruly gatherings; preserve public health, safety and welfare; and ensure that the public can recover costs associated with abating loud or unruly gatherings; and
G. Therefore, the Council further finds that it is in the best interests of the public safety, welfare, and convenience of the City, as well as in fairness to its citizens, to require those persons whose conduct requires additional police services, and those persons who permit such conduct to occur on premises under their control, to partially defray the City's expense in providing the same.

**SECTION 2: Environmental Assessment.** Pursuant to 14 Cal. Code Regs. § 15060(c)(2) the proposed ordinance is exempt from the California Environmental Quality Act ("CEQA") because the proposed Code amendment is not considered to be a "project" under CEQA and will not result in direct or indirect physical changes in the environment. The proposed ordinance consists of an amendment to regulate loud or unruly gatherings as a nuisance under the El Segundo Municipal Code, as such, it is an organizational or administrative governmental activity which does not fall under the definition of "project" found in 14 Cal. Code Regs. § 15378(b)(5). Accordingly, this ordinance is exempt from further environmental review pursuant to 14 Cal. Code Regs. §15060.

**SECTION 3:** ESMC Title 7 (Nuisances and Offenses) is amended to add a new chapter, Chapter 12 (Loud and Unruly Gatherings) to read as follows:

"**CHAPTER 12**

**LOUD OR UNRULY GATHERINGS**

7-12-1: FINDINGS; PURPOSE
7-12-2: DEFINITIONS
7-12-3: LOUD OR UNRULY GATHERINGS PROHIBITED
7-12-4: CITATION AND NOTICE – CONTENTS
7-12-5: CITATION AND NOTICE – PROCEDURE
7-12-6: VIOLATIONS, FINES AND PENALTIES

7-12-1: FINDINGS; PURPOSE

A. Loud or unruly social gatherings frequently become public nuisances since they interfere with the comfortable enjoyment of life, property, and threaten public safety. All such activities detrimentally affect the neighbors that surround these nuisances.

B. Frequently, these loud or unruly gatherings create opportunities for crimes against persons, public peace and property. The City has, both now and in the past, responded to code violations multiple times for enforcement actions. A disproportionately higher level of public services is provided to enforcement actions as compared to the City's general need for public services.

C. In addition, the public services required for responding to incidents that occur as a consequence of unruly gatherings (for example, driving while intoxicated, increased social violence, and incidents of sexual assault)
are also disproportionately greater than what is required within the City's jurisdiction.

D. Disturbances at both rental facilities and private homes within the City may, on occasion, disturb the public peace, safety and welfare, thereby requiring a disproportionately higher level of public services as compared to the City's general need for public services.

E. It is in the public interest to establish procedures for recovering costs incurred by the City when enforcing any provision of this code through inspections, nuisance abatement, or other similar, administrative or judicial means.

F. Nothing contained in this ordinance is intended to, nor will it, interfere with any California law provision that regulates activities identified by this ordinance; it is intended only to enact measures that are different from, or supplement, California law to further restrict acts associated with loud or unruly gatherings.

7-12-2: DEFINITIONS

Unless the contrary is stated or clearly appears from the context, the following definitions will govern the construction of the words and phrases used in this chapter:

CITATION means an Administrative Citation issued pursuant to Title 1, Chapter 2A of this Code.

CODE ENFORCEMENT OFFICER has the same meaning as in Section 1-2A-3 of this Code.

LOUD OR UNRULY CONDUCT, as used in this chapter, includes any of the following conduct if in violation of any provision of this Code or State law:
  i. Loud noise;
  ii. Obstruction of a street or public right-of-way, including a sidewalk or driveway;
  iii. Public intoxication or drinking in public;
  iv. Assault, battery, fights, domestic violence or other disturbances of the peace;
  v. Vandalism or destruction of property;
  vi. Litter;
  vii. Urinating or defecating in public;
  viii. Trespassing; or
  ix. Illegal drug use.

Loud or Unruly Conduct does not include any activity that is protected by Article 1, Section 4 of the California Constitution, or protected by the First or Fourteenth Amendments to the United States Constitution.
LOUD OR UNRULY GATHERING means a gathering of Persons at any Residence where Loud or Unruly Conduct occurs at the Residence and which threatens or interferes with the public health, safety or welfare, or the comfortable enjoyment of life and property.

PERSON means an individual or any firm, association, organization, partnership, trust, business, corporation, company or entity.

RESIDENCE means any lot in a residential zone, and includes any garage, carport, walkway, yard, patio, deck, or other structure or area on said lot, whether owned, leased, rented or used with or without compensation. The term “Residence” also includes any sidewalk, street or alleyway which abuts the lot.

RESPONSIBLE PARTY means:

i. Any Person(s) with a right of possession or ownership interests in the Residence where a Loud or Unruly Gathering occurs; or

ii. Any Person who organizes, supervises, officiates, conducts, or controls the gathering or any other Person(s) accepting responsibility for such a gathering at a Residence.

7-12-3: LOUD OR UNRULY GATHERINGS PROHIBITED

Loud or Unruly Gatherings are prohibited and 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 individuals at the Loud or Unruly Gathering to leave the Residence, the issuance of a Citation, and/or the arrest of anyone committing a criminal violation under this section or any other applicable State or local law.

7-12-4: CITATION AND NOTICE - CONTENTS

A peace officer responding to a Loud or Unruly Gathering must post, on the front entrance of the Residence at which the Loud or Unruly Gathering occurs, a notice stating:

A. The name and agency of the 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. If peace officers are required to respond to the Residence because of the same condition specified in the Citation within 12 hours of the initial response, or two or more times within 12 months of the initial response, the Responsible Party will be charged for any response costs (pursuant to Chapter 1-2A of this code); and
D. That it is unlawful to alter, tamper with or deface this notice, or remove it prior to 30 days from the date of the posting.

7-12-5: CITATION AND NOTICE - PROCEDURE

A. Referral to Code Enforcement Officer. A copy of any notice caused to be issued by a peace officer during the enforcement of this section will be referred to the Director of Planning and Building and Safety, or his/her designee. Once referred, the Code Enforcement Division will be responsible for processing, investigating and implementing the Citation. However, the peace officer who issued the Citation may be required to submit evidence and/or attend any administrative hearing pertaining to the Citation, if necessary.

B. Notice. The Code Enforcement Officer must serve on all Responsible Parties a copy of the notice posted pursuant to Subdivision A of this section. The delivery of the notice must be by personal service or by depositing in the mail for delivery by the United States Postal Service, in a sealed envelope, postage prepaid. Notice to the property owner must be sent to the address shown on the County’s last equalized property tax assessment roll.

C. Administrative Process Applicable to Citations. Unless otherwise specified herein, all Citations issued for violations of this chapter will be subject to the provisions set forth in Chapter 2A of this Code, including, but not limited to, the administrative hearing and appeal process.

7-12-6: VIOLATIONS, FINES AND PENALTIES

A. Any Person who alters, tampers with or defaces a posted notice issued pursuant to this Chapter, and/or who violates Section 7-12-3 of this chapter may be subjected to administrative fines and penalties. Penalties will be established by City Council resolution. Any violation which arises within 90-days from the date of the first violation will trigger escalating penalty amounts, as established by City Council resolution. A violation occurring after a period of 90 consecutive days of no violations will be considered a first violation.

B. Any escalated penalty amounts in this resolution will apply to the same Responsible Party, regardless of whether different Residences throughout the city are utilized as venues for Loud or Unruly Gatherings.

C. Fine for Removal of Posted Notice. Any Person who alters, tampers with or defaces a posted notice issued pursuant to this chapter will be subject to an administrative fine of $500.

D. Nothing in this chapter shall be deemed to prevent the city from commencing a civil or criminal proceeding to abate a public nuisance or
from pursuing any other means available under any other statute, ordinance or law (civil or criminal), to correct conduct regulated by this chapter in addition to or as alternatives to the procedures set forth herein. This chapter in no way limits the authority of law enforcement personnel to make arrests for any criminal offense arising out of conduct regulated by this chapter.”

SECTION 4: Section 7-2-14 (Use of police at parties; second response) of Chapter 2 (Noise and Vibration) of Title 7 (Nuisances and Offenses) of the ESMC is hereby repealed. All provisions of the ESMC referring to Section 7-2-14 are changed to refer to Chapter 1-2A.

SECTION 5: The definition for “CODE ENFORCEMENT OFFICER” in Section 1-2A-3 (Definitions) of Chapter 1-2A (Administrative Citations) of Title 1 (Administration and Personnel) is hereby amended to read as follows:

CODE ENFORCEMENT OFFICER: City employees from the public works department, planning and building safety department, police or fire department with the authority to enforce this code.

SECTION 6: Subsection (B) of Section 1-2A-5 (Citation Procedures) of Chapter 1-2A (Administrative Citations) of Title 1 (Administration and Personnel) is hereby amended to read as follows:

B. Contents: Each administrative citation must contain the following information:

1. The date of the violation;

2. The address or a definite description of the geographic location where the violation occurred or is occurring;

3. The section of this code that was violated;

4. A description of the conditions causing the code violation;

5. The amount of the administrative fine for the code violation;

6. A description of the fine payment process, including a description of the time within which, and the place where, the fine must be paid;

7. An order prohibiting the continued or repeated occurrence of the code violation described in the administrative citation and explaining that if enforcement officers are required to return to the same location within a designated period of time, or for a total of three times or more within a six-month period, regarding enforcement of the same code violation then the City may recover response costs pursuant to Chapter 1-2A;
8. Notification that payment of a fine under this chapter does not excuse or discharge any continued or repeated occurrence of the code violation that is the subject of the administrative citation;

9. A description of the administrative citation review process, including the time within which the administrative citation may be contested and the manner in which a request for review of the citation may be requested; and

10. The name of the citing code enforcement officer.

SECTION 7: Chapter 2A (Administrative Citations) of Title 1 (Administration and Personnel) is hereby amended to add sections 1-2A-28 through 1-2A-33 under the subheading "Enforcement and Response Cost Recovery," to read as follows:

    Enforcement And Response Cost Recovery

1-2A-28: Procedures Mandatory
1-2A-29: Response Costs
1-2A-30: Computation of Costs
1-2A-31: Response Cost Invoice
1-2A-32: Administrative Review and Hearings
1-2A-33: Collection and Recovery of Response Costs

1-2A-28: PROCEDURES MANDATORY:

A code enforcement officer must comply with the citation procedures set forth in section 1-2A-5 and 1-2A-29 through 1-2A-33 in order to collect enforcement and response costs from a citee. A citee need not have knowledge of prior code violations and not be present in order to be liable for response costs. The recovery of response costs will be in addition to any fines or penalties that may be imposed under this Code or by court order.

1-2A-29: RESPONSE COSTS:

A. Utilization of any public employee during any response to enforcement actions after the first warning, where responding code enforcement officers determine there is a violation of this code, is a public service over and above the services generally provided within the city's jurisdiction and, accordingly, constitutes a special public service authorizing the City to recover its response costs. These costs include:
   1. Salaries and benefits of personnel for the amount of time spent responding to, remaining at, or otherwise addressing enforcement actions and the administrative costs attributable to such response(s);
   2. The cost of any medical treatment to or for any personnel injured responding to, remaining at or leaving an enforcement action;
   3. Actual cost of preparing notices, correspondence, specifications, and contracts;
4. Personnel costs incurred for property inspections. Such costs will be calculated at an hourly rate based on a schedule established by city council resolution;
6. The cost of printing and mailing;
7. Costs related to inspection warrants;
8. Costs related to office hearings and administrative adjudications;
9. Attorney's fees expended in enforcement actions including, without limitation, any action to recover response costs pursuant to this chapter;
10. All costs or expenses for which the city may be liable under state law arising from or related to an enforcement action;
11. The cost of repairing any City equipment or property damage, and the cost of the use of any such equipment, in responding to, remaining at or leaving enforcement actions; and
12. Any other costs recoverable in compliance with applicable law including, without limitation, Civil Code § 1714.9.

B. Response costs will be charged in those instances where the citee fails to correct the code violations by the reinspection date or, for repeat offenders, will be charged from the date code enforcement officers determine that the same specified condition exists within six months of the initial response. However, if a court of competent jurisdiction dismisses an enforcement action or subsequently finds the citee innocent of all alleged code violations, no response costs will be charged to the citee.

1-2A-30: COMPUTATION OF COSTS:

A. The Code Enforcement Division of Planning and Building Safety will account for and maintain records of all response costs associated with enforcement actions. Computing response costs will be based upon records kept for each separate enforcement action.

B. Computing response costs will commence from the date on or after which an enforcement officer conducts an inspection to verify correction of a code violation through the date that all code violations are corrected, except that response costs for repeat offenders will be calculated from the time that a code enforcement officer determines that a code violation continues to exist. Should a repeat offender be responsible for both identical code violations and new code violations, the City will calculate response costs from the time that a code enforcement officer determines that a code violation exists. For the purposes of this section, "repeat offender" means a person who, following a written notice of violation pursuant to this chapter, repeatedly violates the same code provision(s) identified in the notice.

1-2A-31: RESPONSE COST INVOICE:
A. Within 30 days of the enforcement action, the Code Enforcement Division of Planning and Building Safety must provide a written response cost invoice to the citee by certified mail. The response cost invoice must state the following:

1. The identification of the citee(s);
2. The address of the premises where the enforcement action occurred;
3. The factual circumstances constituting the enforcement action;
4. The date(s) and time(s) that special public services were provided; and
5. A copy of the warning notice(s) provided to the citee(s).

B. The response cost invoice must also state that the citee may request an initial administrative review of the invoice within twenty (20) days of its issuance and explain that an initial administrative review is a mandatory prerequisite to request an administrative hearing.

1-2A-32: ADMINISTRATIVE REVIEW AND HEARINGS:

Persons served with a response cost invoice in accordance with this chapter may contest the response cost invoice pursuant to sections 1-2A-12 through 1-2A-14. In the event a citee requests an administrative hearing, this hearing will be conducted in manner provided for in sections 1-2A-15 through 1-2A-22.

1-2A-33: COLLECTION AND RECOVERY OF RESPONSE COSTS:

Response costs will be collected in the same manner provided for administrative citation fines and costs pursuant to sections 1-2A-23 through 1-2A-27.

SECTION 8: CONSTRUCTION. This ordinance must be broadly construed in order to achieve the purposes stated in this ordinance. It is the City Council’s intent that the provisions of this ordinance be interpreted or implemented by the City and others in a manner that facilitates the purposes set forth in this ordinance.

SECTION 9: ENFORCEABILITY. Repeal of any provision of the El Segundo Municipal Code does not affect any penalty, forfeiture, or liability incurred before, or preclude prosecution and imposition of penalties for any violation occurring before this ordinance’s effective date. Any such repealed part will remain in full force and effect for sustaining action or prosecuting violations occurring before the effective date of this ordinance.

SECTION 10: VALIDITY OF PREVIOUS CODE SECTIONS. If this entire ordinance or its application is deemed invalid by a court of competent jurisdiction, any repeal or amendment of the ESMC or other city ordinance by this ordinance will be rendered void
and cause such previous ESMC provision or other ordinance to remain in full force and
effect for all purposes.

SECTION 11: SEVERABILITY. If any part of this ordinance or its application is deemed
invalid by a court of competent jurisdiction, the City Council intends that such invalidity
will not affect the effectiveness of the remaining provisions or applications and, to this
end, the provisions of this ordinance are severable.

SECTION 12: The City Clerk is directed to certify the passage and adoption of this
ordinance; cause it to be entered into the City of El Segundo’s book of original ordinances;
make a note of the passage and adoption in the records of this meeting; and, within 15
days after the passage and adoption of this ordinance, cause it to be published or posted
in accordance with California law.

SECTION 13: This Ordinance will become effective on the thirty-first day following its
passage and adoption.

PASSED AND ADOPTED this ___ day of ____________, 2018.

____________________________
Drew Boyles, Mayor

ATTEST:

STATE OF CALIFORNIA )
COUNTY OF LOS ANGELES ) SS
CITY OF EL SEGUNDO )

I, Tracy Weaver, City Clerk of the City of El Segundo, California, do hereby certify that
the whole number of members of the City Council of said City is five; that the foregoing
Ordinance No. ___ was duly introduced by said City Council at a regular meeting held
on the ___ day of ____________, 2018, and was duly passed and adopted by said City
Council, approved and signed by the Mayor, and attested to by the City Clerk, all at a
regular meeting of said Council held on the ___ day of ____________, 2018, and the same
was so passed and adopted by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:
Tracy Weaver, City Clerk

APPROVED AS TO FORM:

Mark D. Hensley, City Attorney
RESOLUTION NO. _____

A RESOLUTION OF THE CITY OF EL SEGUNDO AMENDING EXHIBIT A TO RESOLUTION NO. 4313 BY SETTING FORTH THE ADMINISTRATIVE FINES FOR VIOLATIONS OF CHAPTER 7-12 AND 7-13 OF THE EL SEGUNDO MUNICIPAL CODE.

The City Council of the city of El Segundo does resolve as follows:

SECTION 1: The City Council finds and declares as follows:

A. At its regular meeting on July 1, 2003, the City Council introduced Ordinance No. 1364 ("Citation Ordinance") which adds Chapter 2A, entitled "Administrative Citations" (consisting of §§ 1-2A-10 to 1-2A-270), to Title 1 of the El Segundo Municipal Code ("ESMC") and allows the City enforcement officers to issue administrative citations for ESMC violations. The Administrative Citation Ordinance allows fine amounts to be adopted by City Council resolution, pursuant to Government Code § 53069.4(a)(1).

B. On July 1, 2003, the City Council adopted the fine amounts attached as Exhibit "A" to Resolution No. 4313 as the City’s fine schedule for purposes of imposing fines pursuant to Chapter 2A of Title 1 of the ESMC.

C. At its regular meeting on June 5, 2018, the City Council introduced Ordinance No. 1568 and adopted Ordinance No. 1568 at its regular meeting on June 13, 2018, which adds Chapter 7-12, entitled "Loud or Unruly Gatherings" and consisting of §§ 7-12-1 to 7-12-6, to Title 7 of the ESMC and allows City enforcement officers to issue administrative citations for a violation of Chapter 7-12.

D. At its regular meeting on June 5, 2018, the City Council introduced Ordinance No. 1567 and adopted Ordinance No. 1567 at its regular meeting on June 13, 2018, which adds Chapter 7-13, entitled "Social Host Regulations" and consisting of §§ 7-13-1 to 7-13-6, to Title 7 of the ESMC and allows City enforcement officers to issue administrative citations for a violation of Chapter 7-13.

E. On June 13, 2018, the City Council conducted a duly noticed public hearing and accepted and considered all of the public testimony on the issue. The City Council finds that such fines are necessary to preserve the health, safety and welfare of the City by deterring the conduct proscribed in Chapters 7-12 and 7-13.
SECTION 2: The fine amounts attached as Exhibit A to Resolution No. 4313 are hereby amended to include the specific fine amounts for a violation of Chapters 7-12 and 7-13 of the El Segundo Municipal Code.

SECTION 3: The effective date for the fines coincides with the effective date of Ordinance Nos. 1567 and 1568.

SECTION 4: This Resolution is effective immediately upon adoption.

SECTION 5: The City Clerk shall certify to the passage and adoption of this Resolution.

PASSED AND ADOPTED this ___ day of ____________, 2018.

__________________________
Drew Boyles,
Mayor
STATE OF CALIFORNIA
COUNTY OF LOS ANGELES
CITY OF EL SEGUNDO

I, Tracy Weaver, City Clerk of the City of El Segundo, California, hereby certify that the whole number of members of the City Council of the City is five; that the foregoing Resolution No. __________ was duly passed and adopted by said City Council, approved and signed by the Mayor of said City, and attested to by the City Clerk of said City, all at a regular meeting of said Council held on the ______ day of ____________, 2018, and the same was so passed and adopted by the following roll call vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

ATTEST:

__________________________
Tracy Weaver,
City Clerk

APPROVED AS TO FORM:
Mark D. Hensley, City Attorney

By: _______________________
Natalie C. Karpeles
Deputy City Attorney
EXHIBIT A

FINE SCHEDULE FOR ADMINISTRATIVE CITATIONS

A. Except as otherwise provided, violations of the ESMC for which administrative citations are issued will have fines imposed as follows:

1. A fine not exceeding one hundred dollars ($100.00) for the first violation;

2. A fine not exceeding two hundred dollars ($200.00) for a second violation of the same provision within one year;

3. A fine not exceeding five hundred ($500.00) for each additional violation of the same provision within one year of the first violation.

B. Notwithstanding Section A, violations of Chapter 7-12 of the El Segundo Municipal Code are subject to an administrative fine in the following amounts:

1. A fine not exceeding two thousand five hundred ($2,500) for the first violation;

2. A fine not exceeding five thousand ($5,000) for a second violation of the same provision within 90 days;

3. A fine not exceeding seven thousand five hundred ($7,500) for each additional violation of the same provision within 90 days of the first violation.

C. Notwithstanding Section A, violations of Chapter 7-13 of the El Segundo Municipal Code are subject to an administrative fine in the following amounts:

1. A fine not exceeding one thousand ($1,000) for the first violation;

2. A fine not exceeding two thousand ($2,000) for a second violation of the same provision within one year;

3. A fine not exceeding five thousand ($5,000) for each additional violation of the same provision within one year of the first violation.