

ORDINANCE NO. 2024-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MENIFEE, CALIFORNIA, ADDING CHAPTER 11.07 TO TITLE 11 OF THE MENIFEE MUNICIPAL CODE ESTABLISHING REGULATIONS FOR UNRULY OR LOUD CONDUCT

WHEREAS, the City of Menifee desires the citizens of Menifee to be able to peaceably enjoy their residences, schools, businesses, and public places without the intrusion of unruly or loud conduct; and

WHEREAS, the City Council of the City of Menifee has determined that this Ordinance prohibiting behavior that constitutes a threat to public peace, morals, safety and noise is in the best interests of the citizens of Menifee and is important to the overall quality of life in the City of Menifee; and

WHEREAS, the City Council of the City of Menifee desires to add Chapter 11.07 within Title 11 of the Menifee Municipal Code, establishing regulations prohibiting unruly or loud conduct; and

WHEREAS, the core purpose of this Ordinance is to minimize the unnecessary burden to police resources caused by public disturbance calls, particularly when multiple calls emanate from the same address; to that end, the City Council expects and directs that, except in unusual circumstances, this Ordinance will be administered through escalating administrative citation penalties beginning with a warning and progressing to citations with fees set by City Council resolution, which currently provides – in City Council Resolution 09-100 – for escalating fines of \$100 for the first citation, \$200 for the second citation; and \$500 for the third and subsequent citations; and

WHEREAS, on July 17, 2024, the City Council held a duly noticed public meeting at which time members of the public had the opportunity to review the documents presented to the City Council and provide oral comments to the City Council concerning this Ordinance.

NOW, THEREFORE, the City Council of the City of Menifee, California does ordain as follows:

Section 1. Menifee Municipal Code Chapter 11.07 is hereby added to Title 11 (Peach, Morals, and Safety) as set forth in Exhibit A, attached hereto and incorporated herein in full.

Section 2. Effective Date. This Ordinance shall take effect thirty (30) days after its adoption.

Section 3. Severability. If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance, and each and every section, subsection, sentence,

clause, or phrase not declared invalid or unconstitutional, without regard to whether any portion of the Ordinance would be subsequently declared invalid or unconstitutional.

Section 4. Notice of Adoption. The City Clerk shall certify to the passage and adoption of this Ordinance, and shall cause to be published within fifteen (15) days after its passage in a newspaper of general circulation and circulated within the City in accordance with Government Code Section 36933(a) or, cause this Ordinance to be published in a manner required by law using the alternative summary and posting procedure authorized under Government Code Section 36933(c).

This Ordinance was introduced and read on the 17th day of July 2024, and **PASSED, APPROVED, AND ADOPTED**, this ___ day of _____, 2024.

Bill Zimmerman, Mayor

ATTEST:

Stephanie Roseen, Acting City Clerk

Approved as to form:

Jeffrey T. Melching, City Attorney

EXHIBIT A

TITLE 11: PEACE, MORALS, AND SAFETY

CHAPTER 11.07 - UNRULY OR LOUD CONDUCT

Sections:

11.07.010 - Definitions

11.07.020 - Unruly or Loud Conduct

11.07.030 – Violations and Enforcement

11.07.040 - Public Nuisance Declared

11.07.050 - City Manager Administrative Authority

§ 11.07.010 - DEFINITIONS.

For purposes of this chapter, the following shall apply.

JUVENILE. Any person less than 18 years of age.

MINOR or UNDERAGE PERSON. Any person less than 21 years of age.

PARENT or LEGAL GUARDIAN. A person who is a natural parent, adoptive parent, foster parent, or step-parent of another person, or a person who, under court order, is the guardian of another person, or a public or private agency with which a juvenile has been placed by the court.

PARTY, GATHERING or EVENT. A group of two or more persons who have assembled or are assembling for a social occasion or social activity at a residence or on other private property or public property rented for a private purposes; provided, however, that this chapter shall not apply to parties, gatherings, or events where religious services and/or activities protected by Article 1, § 45, of the California Constitution occur.

PERSON RESPONSIBLE or HOST. Includes, but is not limited to:

(1) A person who owns, rents, leases, licenses, or otherwise has control of the property where the party, gathering, or event occurs;

(2) A person in charge of the property, during a party, gathering, or event;

(3) A person who organized and/or planned a party, gathering, or event;

(4) A person who supervised a party, gathering, or event; and/or

(5) The parent or legal guardian of a juvenile that otherwise qualifies as a person responsible or host under any paragraph “(1)” through “(4)” inclusive.

UNRULY or LOUD CONDUCT. The obstruction of streets by crowds or vehicles; public drunkenness; public urination; public defecation; service to, possession of, or consumption of alcoholic beverages by an underage person(s); assaults; batteries; vandalism; littering;

disturbances of the peace (including without limitation as a result of loud noise associated with a party, gathering, or event); conduct that constitutes a threat to public health, safety, or welfare; or a disturbance of the quiet enjoyment of property.

§ 11.07.020 - PROHIBITION OF UNRULY OR LOUD CONDUCT.

- (A) It is unlawful and a public nuisance to engage in unruly or loud conduct
- (B) It is unlawful and a public nuisance for a person responsible or host to cause or allow a party, gathering, or event at which people engage in unruly or loud conduct.

§ 11.07.030 – VIOLATIONS AND ENFORCEMENT.

- (A) *Misdemeanor.* Any person who violates §§ 11.07.020 of this chapter shall be guilty of a misdemeanor as provided in Chapter 1.01 the Menifee Municipal Code.
- (B) *Administrative citations.* Any person who violates § 11.07.020 of this chapter shall be guilty of violating the City of Menifee Municipal Code and may be issued an administrative citation and be subject to the applicable punishments pursuant to Chapter 1.03 the Menifee Municipal Code.
- (C) *Non-exclusivity.* Nothing in this chapter shall limit or preclude the enforcement of any other applicable laws or remedies available for violations of this chapter.

§11.07.040 - PUBLIC NUISANCE DECLARED.

Unruly or loud conduct that violates this chapter is declared to be a public nuisance, and the city is authorized to abate the nuisance as authorized by law.

§11.07.050 - CITY MANAGER ADMINISTRATIVE AUTHORITY.

The City Manager or his/her designee may develop and adopt administrative regulations that are consistent with the terms and prohibitions of this chapter. This shall include all policies and procedures for the abatement of unruly or loud conduct while meeting procedural safeguards required by city, state or federal law.