

City of Fontana
POLICE DEPARTMENT
Special Operations Division

MEMORANDUM

TO: All Sworn Personnel, via Chain of Command
FROM: Wendy Ratcliffe, Community Policing Technician
DATE: February 25, 2019

**SUBJECT: Roll Call Training - Social Host and Unruly Gathering Ordinance
FCC 16-19(d) / FCC 16-19(e)**

As part of our ABC grant, we periodically provide roll-call trainings pertaining to alcohol-related topics. With the weather warming up, party or disturbance calls will be increasing, and this ordinance may be useful.

FCC 16-19 includes both Social Host violations and Unruly Gathering violations. All citations are administrative and are cited to City Hall.

Social Host, FCC 16-19(d) is for adults who provide a location for minors to consume alcohol, drugs, etc. Very similar to Contributing to the Delinquency of a Minor, but it's knowingly providing a location for consumption by minors. Citation is immediate for any adult who allows minors to consume at a location.

Unruly Gathering, FCC 16-19(e), can be used for a nuisance party house, or for any noise nuisance that is continually disturbing the peace of the neighbors. First offense is at the officer's discretion. Either the first response to a party call, following multiple responses to the same location, post yellow unruly gathering notice on residence where visible from the street. Second offense (or party call to that location within 90 days of the posting) results in a citation to homeowner or tenant. Subsequent party calls result in additional citations and increasing fines. All unruly gathering reports must be forwarded to Wendy Ratcliffe for review. Wendy has 10 calendar days to send a letter to the property owner and tenant, about the sticker posting.

Attached is an officer cheat sheet for both ordinances, the schedule of civil penalties, a copy of the yellow unruly gathering sticker and informational pamphlet for the public.

Social Host / Unruly Gathering Violation Sections

Social Host - FCC 16-19(d)

Unruly Gathering – FCC 16-19(e)

Remove or Deface Notice Posting – FCC 16-19(g)(1)
(Notice remains posted for 90 days)

Cite to City Hall with date as TBA (like fireworks cites)

Unruly Gathering:

1. 1st response – Post yellow warning sticker, pull DR and write a descriptive narrative.
2. 2nd response – Cite and supplemental narrative
3. 3rd response – Cite and supplemental narrative

Pull a case number for original Notice Posting. Include IP's in your case. Narrative elements should include original call/complaint (loud music, noise, etc), number of people causing the disturbance, where on the property the disturbance is occurring, what the disturbance is, and how it affects the neighborhood (loitering, traffic, debris, etc). Case must be forwarded to Wendy Ratcliffe for further handling. Call card should include names of persons contacted.

Supplemental Report – Issuing Citations

Following posting of the Notice, citations can be issued. Include all persons cited in the supp. Narrative should include the same elements as the original. Call card should include names of persons contacted. Case must be forwarded to Wendy Ratcliffe for further handling.

Any citation under the Unruly Gathering requires a supplemental report. Because the fines increase with each subsequent response, citee's must be listed in each supp.

Social Host: Pull a case number, include all IP's and persons cited. Narrative should include original complaint, description of the scene, a detailed description of minors consuming on-site and the reason how or why minors were consuming.

**** Zero Tolerance – Immediate Citation ****

B&P 25662(a) – Minor in Possession of Alcoholic Bev
B&P 25658(b) – Minor Consuming Alcoholic Beverage

(Rev. 5/13)

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Exhibit A

Schedule of Civil Penalties for Violation of Social Host of Minors Accountability

The civil penalties for the social host of minors shall be no less than Five Hundred Dollars (\$500.00) for the first violation, One Thousand Dollars (\$1000.00) for the second violation and One Thousand Five Hundred Dollars (\$1500.00) for each subsequent violation by the same person occurring within one year of the first violation.

Schedule of Civil Penalties for Violation of Unruly Gathering Accountability

Civil penalties shall be assessed against all responsible persons for the City's intervention to abate a Gathering constituting a public nuisance as follows:

- A. For the second response in any 90-day period the penalty shall be the total sum of Seven Hundred Fifty Dollars (\$750.00).
- B. For the third response in any 90-day period the penalty shall be the total sum of One Thousand Five Hundred Dollars (\$1,500.00).
- C. For any further response in any 90-day period the penalty shall be the total sum of Two Thousand Five Hundred Dollars (\$2,500.00) for each subsequent response.
- D. The penalties that are provided herein shall be in addition to any other penalties or costs assessments imposed pursuant to provisions of the Fontana Municipal Code or other applicable laws, regulations or ordinances for particular violations committed during the course of an event which constitutes a public nuisance.

Civil Penalty for Violation of Notice of Unruly Gathering Posting

The civil penalty for removal or defacement of the "Notice of Unruly Gathering" posting at the offending premise is the total sum of Five Hundred Dollars (\$500.00), in addition to any other applicable penalties set forth in the Fontana Municipal Code or other provision of law.

Additional Civil Penalties for Social Hosts of Minors Accountability and Unruly Gathering Accountability

If full payment of said penalties is not received within the required time, the bill will be delinquent, and all persons liable for the civil penalties shall be charged interest at the maximum legal rate from the date the payment period expires and a further civil penalty in the amount of Two Hundred Fifty Dollars (\$250.00).

FONTANA POLICE DEPARTMENT

NOTICE OF UNRULY GATHERING

PURSUANT TO FONTANA MUNICIPAL CODE SECTION 16-19, AS A RESULT OF AN UNRULY GATHERING AT THESE PREMISES, ANY UNRULY GATHERING WITHIN THE NEXT 90 DAYS WILL RESULT IN CIVIL PENALTIES IMPOSED UPON ALL PARTICIPANTS AND SPONSORS OF THE EVENT, AND ALL PROPERTY OWNERS OF THE PREMISES AND THEIR AGENTS.

NOTICE IS HEREBY GIVEN THAT, pursuant to Fontana Municipal Code Section 16-19, on _____, 20____, at _____ a.m./p.m., the Fontana Police Department found a public nuisance was caused by a loud or unruly gathering at the premises located at _____.

If there is a subsequent unruly gathering on these premises which constitutes such a public nuisance and necessitates the intervention of the Police Department on or before _____ (90 days from the date of this Notice) every participant in, and sponsor of such event, and any owner, occupant or tenant of the premises, shall be jointly and severally liable for the civil penalties connected with this response as set forth in Fontana Municipal Code, Section 16-19.

(Officer Name and Id Issuing Notice)

_____, 20____
(Date Notice Posted)

Case Number

THIS NOTICE MUST REMAIN POSTED FOR 90 DAYS

THE REMOVAL, DEFACING OR CONCEALMENT OF THIS NOTICE IS A CIVIL INFRACTION AND WILL RESULT IN A \$500.00 FINE.

AVISO DE MOLESTIA PÚBLICA

DE ACUERDO CON EL CÓDIGO MUNICIPAL DE FONTANA, SECCIÓN 16-19, COMO RESULTADO DE UNA REUNIÓN RUIDOSA EN ESTE LOCAL, LA PROXIMA REUNIÓN RUIDOSA DENTRO LOS PRÓXIMOS 90 DÍAS RESULTARA EN UNA PENA CIVIL IMPUESTA SOBRE TODOS LOS PARTICIPANTES Y PATROCINADORES DEL EVENTO, Y TODOS LOS DUEÑOS DE LA PROPIEDAD DEL LOCAL Y SUS AGENTES.

SE PRESENTA ESTE AVISO de acuerdo con el Código Municipal de Fontana, Sección 16-19, el _____ de 20____ a las _____ a.m./p.m., el Departamento de Policía de Fontana encontró que una molestia publica causada por una reunión ruidosa en las premisas localizadas en _____ Si hay otro

acontecimiento subsiguiente en estas premisas que constituya otra molestia publica y requiera la intervención del departamento de policía en o antes de _____ (90 días de la fecha de esta nota) todos los participantes y patrocinadores de tal evento, y dueño del local, y sus agentes serán conjuntamente responsables y tendrán responsabilidad solidaria por las penas civiles asociadas con la intervención policiaca como es estipulado en el Código Municipal de Fontana, Sección 16-19.

(Firma del oficial que presento esta nota)

_____, 20____
(Fecha en que se presento esta nota)

(Numero de Caso)

ESTA NOTA DEBE DE PERMANECER ANUNCIADO POR 90 DÍAS

EL QUITAR, DESFIGURAR E OCULTAR ESTA NOTA ES UNA INFRACCIÓN CIVIL Y RESULTARA EN UNA MULTA DE \$500.00.

Unruly Gathering Continued...

Suggestions to Manage Unruly Tenants

Even the most well-managed properties have the occasional problem tenant. To avoid property owner liability, several steps can be taken to manage an offending tenant. Fontana Police Department has partnered with the Apartment Association of the Greater Inland Empire (AA(GIIE)) to assist property owners with reducing liability. The following steps are recommended:

- ◇ Landlords should add the CAA (California Apartment Association) approved addendum to the rental agreement that references the City of Fontana's Unruly Gathering Ordinance.
- ◇ Provide this informational pamphlet to all new and existing tenants. Post the Social Host/Unruly Gathering informational flyer at the leasing office, the recreational center, and/or the laundry facilities.
- ◇ Allow your courtesy patrol to hand out pamphlets to tenants who are excessively noisy or unruly.
- ◇ Follow on-site policies for managing a problem tenant.

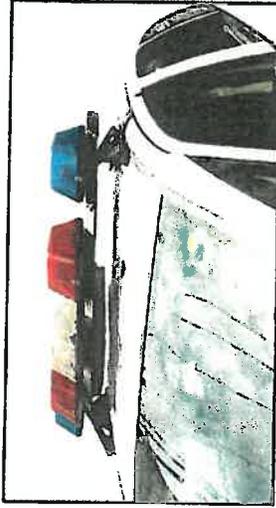
Immediately following the posting of a Notice of Unruly Gathering at a premise, and mailed notification of an Unruly Gathering to a property owner, a landlord/manager should take the following precautions to avoid liability:

- ◇ Landlords/managers should immediately communicate with the tenant by speaking with them, writing a letter or by serving a 3 Day Notice to Perform or Quit. The landlord or manager should remind the tenant he/she is in violation of both the city ordinance and the rental agreement.
- ◇ Ensure the tenant knows that if the police are required to respond to a public nuisance at their residence a subsequent time, all persons causing the nuisance will be fined. Provide them with a copy of the city ordinance and/or this pamphlet.

- ◇ Management should document all incidences and subsequent conversations with all tenants. Include date, time, location and involved parties in the documentation.

**KEEP IT REAL!
PATROL THE PARTY**

RETHINK! Don't Let Minors Drink!



KEEP IT REAL! PATROL THE PARTY

Prepared by

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Fontana Police
Department

In Conjunction with

Apartment
Association
of the
Greater
Inland Empire

SOCIAL HOST
&
UNRULY
GATHERING
ORDINANCE

Resident
and
Property
Owner
Guide

