

ORDINANCE 2016-0711

AN ORDINANCE OF THE CITY OF COFFEE CITY, TEXAS, REGARDING LARGE PARTIES AND OTHER GATHERINGS THAT DISTURB THE PEACE AND INTERFERE WITH THE DELIVERY OF PUBLIC SAFETY SERVICES

WHEREAS, the City of Coffee City, Texas is a Type B general law municipality; and

WHEREAS, a Type B general-law municipality may adopt ordinances for the good government, peace or order of the incorporated municipality; and

WHEREAS, the City Council of the City of Coffee City, Texas in pursuance of its governmental function to promote and regulate the safety and general welfare of its citizens, desires to regulate public and private events within the City which disturb the peaceful quiet enjoyment of the community and which interfere with the delivery of public safety services; and

WHEREAS, this ordinance establishes penalties for conducting, sponsoring, authorizing, or holding a disruptive party or gathering, and procedures for challenging the imposition of such penalties.

NOW THEREFORE BE IT ORDAINED:

I.

That the Coffee City Disruptive Party Ordinance is adopted to read as follows:

Section 1: Definitions.

For the purpose of this ordinance, the following definitions shall be applicable:

Disruptive Party or Gathering: Any large party, gathering, or event with 100 or more attendees on public or private property within the City of Coffee City that is disruptive to the peaceful enjoyment of the community or interferes with the delivery of municipal services, because of:

- A. loud music or other in;
- B. Interference with access to private property;
- C. Underage drinking;
- D. Fight;
- E. Public Intoxication;
- F. The discharge of firearms;

- G. The possession or use of fireworks;
- H. Illegal drug use;
- I. Traffic violations—such as squealing tires—that disturb the peace;
- J. Urinating or defecating in public; or
- K. Interference with normal flow of traffic that causes traffic hazards or interferes with the delivery of public safety services.

Reasonable costs: The pay of the responding police officers, at the pay rate then in effect for each individual officer, for the amount of time actually spent in responding to or remaining at the Disruptive Party or Gathering; appropriate overhead; the actual cost of any medical treatment to injured officers; and the cost of repairing or replacing any damaged or destroyed City equipment or property.

Responsible Person: Any person in actual or lawful control or possession of the premises where a Disruptive Party or Gathering is held, and any person who organized the Disruptive Party or Gathering. If the person responsible for the party, gathering or event is a minor, the parents or guardian having custody or control of the minor shall be jointly and severally liable with such minor for the reasonable costs of a response.

Section 2: Police Response Service Fee.

- A. Any Responsible Person may be assessed a police response service fee to reimburse the City for the Reasonable Costs.
- B. If two or more persons are responsible for the Disruptive Party or Gathering, such persons shall be jointly and severally liable for the Reasonable Costs of a response.

Section 3: Police Response Service Fee.

- A. If a Police Officer responds to a Disruptive Party or Gathering, and while at the scene determines that there is a threat to the public peace, health, safety, or general welfare, any person who is responsible for the Disruptive Party or Gathering is liable for the reasonable costs of a response by the police to that incident.
- B. The Chief of Police or the Chief's designee shall deliver to any and all Responsible Persons a statement setting forth the cost of response. The Chief shall endeavor to deliver the statement within 10 business days of the incident. A statement delivered more than 10 days after the incident is not invalid because of the time of delivery.
- C. The costs of a response by the police shall be a charge against any and all Responsible Persons jointly and severally. The charge constitutes a debt of that person and is collectible by the City of Coffee City in the same manner as in the case of an obligation under a contract. Costs imposed under this ordinance are due and payable upon the

expiration of the period to request a hearing under Section 4 or upon notice of the Hearing Officer's decision if a hearing is requested.

- D. The liability imposed by this ordinance is in addition to any liability otherwise imposed by the law, and any costs incurred by the City of Coffee City may be recovered by the City of Coffee City except to the extent that those costs are actually reimbursed to the City under this Ordinance and are actually received from the Responsible Person or some other person or entity.
- E. In no event shall any single person's liability under this ordinance for the costs of a response by the police exceed five hundred dollars for any single Disruptive Party or Gathering. The costs of a response shall be waived if the Responsible Person initiates a request for a police response and assists the police in dispersing persons attending the Disruptive Party or Gathering.

Section 4: Hearing Procedures.

- A. A person liable for the costs of a police response under this ordinance may challenge the determination by requesting a hearing with the Mayor or other person designated by the Mayor or the City Council to act as the Hearing Officer, within ten days of receipt of notice of the costs imposed.
- B. The Hearing Officer shall set a time and place for the hearing as soon as practicable.
- C. The hearing shall be conducted in an informal process to determine whether there is a sufficient factual and legal basis to impose the costs of the police response and the reasonableness of the amount. The rules of evidence shall not apply, provided that the decision of the Hearing Officer shall in all cases be based upon substantial and reliable information received at the hearing. All parties to the hearing shall have the right to present information and such information shall be considered. The Police Department shall have the burden of establishing that the party or gathering was a Disruptive Party or Gathering, that the costs of the police response should be imposed, and that the amount is reasonable under the circumstances.
- D. The decision of the Mayor or Hearing Officer is final. A failure of the person charged with the costs of a police response to timely request a hearing or the failure to appear at a scheduled hearing shall constitute a waiver of the right to a hearing or to challenge the validity or amount of the costs imposed.

Section 5: Exemptions.

- A. The following events may be conducted within the City of Coffee City, are not Disruptive Parties or Gatherings, and may not be considered a violation:
 - 1. City-sponsored or approved special Events
 - 2. Street Closing Events

3. Parades, Runs, Walks, Races, or Motorcades hosted or sponsored by the City of Coffee City (i.e., where the City of Coffee City itself is the promoter)
 4. Private Parties Held on Residential Private property and to which the public is not invited and where there are no more than 100 guests
 5. An event wholly contained on property specifically designed or suited for the special event and which has an appropriate certificate of occupancy, appropriate zoning, and adequate parking
 6. Funeral Processions
- B. There are no "allowable" times during the day or night when the requirements of this Ordinance are inapplicable..

Section 6: Security and Police Contractual Agreement.

If an event, party, or gathering is to be held and law enforcement personnel are requested under contractual agreement:

- A. the Coffee City Police Department will determine if and how many police officers will be required at the event;
- B. Expenses for the officers will be paid by the event organizers directly to the officers working the event, with documentation of the contractual agreement to be maintained by the City of Coffee City. If additional law enforcement personnel need to be brought in to handle a problem during the event, it will be at the event organizer's expense.
- C. The contractual price will be set prior to the event based on the size of the event, the number of patrons at the event, the location of the event, the duration of the event and shall be set at a minimum of \$30 an hour per officer.

Section 7: Area Notifications of Impacted Neighbors.

- A. If a street closure in connection with a Disruptive Party or Gathering is necessary; the event coordinator shall notify all residents and businesses within the street closure area and all businesses and residences within a 300-foot radius of the outer perimeter of the event (as marked by fencing or entrance table indicated on the event diagrams submitted to the City).
- B. The event organizer shall obtain signatures of those so notified of the upcoming event. Such signatures do not denote approval but solely signify notification. A diagram of the notification area shall be submitted with the signature sheet.
- C. The event organizer shall leave a notification letter with each signee. This letter shall include the following information:

1. Name of Event,

2. Dates and times of Event,
 3. A brief description of the Event,
 4. Any closure areas,
 5. Name and phone number of Event contact should they have issues,
 6. Where attendees will be parking.
- D. The signatures of notification, the notification letter and the notification diagram shall be submitted at least 10 working days prior to the event.
- E. In addition, the event organizer shall comply with all additional requirements imposed by the City of Coffee City with respect to notification and approval by residents and businesses affected by the event.
- F. Under certain circumstances where events may generate extremely large crowds, loud noise or parking issues, Coffee City Police, Fire, and Administrative staff may require additional notification, additional signatures, or supplemental outreach.

Section 8: Penalty.

Any responsible party or organizer found in violation of this ordinance shall have committed a Class C misdemeanor and shall be issued a citation punishable by a fine of five hundred dollars (\$500.00) per separate offense.

II.

That all ordinances or parts of ordinances in conflict with this ordinance are repealed to the extent of such conflict only.

III.

That it is the intention of the City Council of the City of Coffee City, Texas, that the phrases, clauses, sentences, paragraphs, and sections of this Ordinance are severable, and if any phrase, clause, sentence, paragraph, or section of this Ordinance should be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, or sections of this Ordinance, since the same would have been enacted by the City Council without incorporation in this Ordinance of such unconstitutional phrases, clauses, sentences, paragraphs, or sections.

IV.

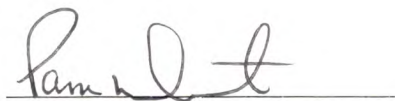
That this ordinance shall become effective after it has been signed into effect by the City Council, it has been published in at least one publication of the designated newspaper or record

and an open forum opportunity has been provided to citizens to discuss the adoption of said ordinance.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF COFFEE CITY, TEXAS ON THIS 9th day of **August** 2016, with a vote of 3 Ayes, 2 Nays and 0 Abstentions. *1 tie-breaker vote per Mayor. (Aye)*

City Seal

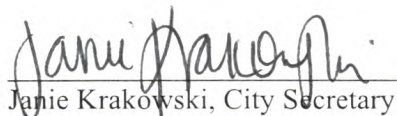
Mayor, Pam Drost



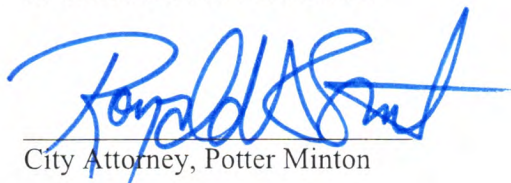
ATTEST:

Before me, Janie Krakowski, City Secretary, on this day personally appeared Pam Drost, Mayor, to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he/she executed the same for the purpose and consideration therein expressed.

Given under my hand and seal of office this 9th day of August, 2016.


Janie Krakowski, City Secretary

APPROVED AS TO FORM:


City Attorney, Potter Minton