

City of Las Vegas

RECOMMENDING COMMITTEE MEETING
CITY HALL, 400 STEWART AVENUE
CITY MANAGER'S CONFERENCE ROOM, EIGHTH FLOOR
CITY OF LAS VEGAS INTERNET ADDRESS: <http://www.lasvegasnevada.gov>
MAY 1, 2007
4:00 P.M.

THE RECOMMENDING COMMITTEE WILL RECEIVE PUBLIC INPUT ON EACH ITEM OF LEGISLATION BEING CONSIDERED. THE RECOMMENDING COMMITTEE MAY, THEREAFTER, CONTINUE THE HEARING TO A FUTURE DATE OR FORMULATE A RECOMMENDATION TO THE CITY COUNCIL FOR PASSAGE, REJECTION OR AMENDMENT OF THE PROPOSED BILL. ANY MEMBER OF THE CITY COUNCIL MAY SUBSTITUTE FOR A MEMBER OF THE RECOMMENDING COMMITTEE AT ANY TIME.

DUPLICATE AUDIO CDS MAY BE AVAILABLE AT A COST OF \$5.00 EACH THROUGH THE CITY CLERK'S OFFICE.

- 1 CALL TO ORDER
- 2 ANNOUNCEMENT RE: COMPLIANCE WITH OPEN MEETING LAW
3. Bill No 2007-14 – Prohibits unruly gatherings and establishes regulations and penalties with respect thereto. Sponsored by: Councilwoman Lois Tarkanian and Councilman Gary Reese
- 4 Bill No 2007-15 – Levies Assessment for Special Improvement District No 1485 - Alta Drive (Rancho Drive to approximately 275 feet west of Lacy Lane) (Landscape Maintenance FY2008) Sponsored by Step Requirement
- 5 Bill No. 2007-16 – Annexation No ANX-10156 – Property location: Within the area bounded by Clark County Highway 215 on the east, Washburn Road on the south, Puli Road on the west, and Centennial Parkway on the north, Petitioned by Southwest Desert Equities, LLC, et al, Acreage: Approximately 245 acres, Zoned: R-U (County zoning), U (PF-CC), U (PCD) and U (ROW) (City equivalents). Sponsored by Councilman Steven D. Ross
6. Bill No. 2007-17 – Amends the Town Center Development Standards Manual to allow consignment sales in the GC-TC and SC-TC Zoning Districts, by means of special use permit, as a limited type of secondhand dealer. Sponsored by Councilman Steven D. Ross
- 7 Bill No. 2007-18 – Requires in certain buildings a minimum level of support for radio coverage for emergency service personnel. Sponsored by Councilman Steven D. Ross
- 8 Bill No. 2007-19 – Authorizes the issuance of a local improvement district bond, Series 2007, for an amount not to exceed \$1,724,000 for Special Improvement District No. 1506 – Fremont Street Pedestrian Improvements (Las Vegas Boulevard to 8th Street). Proposed by: Mark R. Vincent, Director of Finance and Business Services

City of Las Vegas

9 Bill No 2007-20 – Annexation No. ANX-19561 – Property location On the south side of Deer Springs Way, approximately 330 feet west of Grand Canyon Drive; Petitioned by Dark, LLC; Acreage 5.1 acres; Zoned: R-E (County zoning), U (RNP) (City equivalent). Sponsored by Councilman Steven D. Ross

10. CITIZENS PARTICIPATION Public comment during this portion of the agenda must be limited to matters within the jurisdiction of the committee. No subject may be acted upon by the committee unless that subject is on the agenda and is scheduled for action. If you wish to be heard, come to the podium and give your name for the record. The amount of discussion on any single subject, as well as the amount of time any single speaker is allowed, may be limited

11. ADJOURNMENT

ALL INTERESTED PERSONS ARE INVITED TO ATTEND Copies of the above Bills may be obtained through the Office of the City Clerk, Monday through Friday, 8:00 A.M. to 5:00 P.M.

Facilities are provided throughout City Hall for the convenience of disabled persons Reasonable efforts will be made to assist and accommodate physically handicapped persons. If you need an accommodation to attend and participate in this meeting, please call the City Clerk's office at 229-6311 and advise of your need at least 48 hours in advance of the meeting

THIS MEETING HAS BEEN PROPERLY NOTICED AND POSTED AT THE FOLLOWING LOCATIONS

City Clerk's Bulletin Board, City Hall Plaza, 2nd Floor Skybridge
Bulletin Board, City Hall Plaza, (next door to Metro Records)
Las Vegas Library, 833 Las Vegas Boulevard North
Clark County Government Center, 500 S. Grand Central Parkway
Grant Sawyer Building, 555 E. Washington Avenue

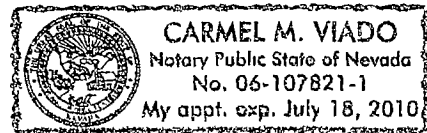
STATE OF NEVADA)
) ss
COUNTY OF CLARK)

list maintained in the Office of the City Clerk.



SIGNATURE

24 day of April, 2007
Carmel M. Vado
 NOTARY PUBLIC in and for said County and State



STATE OF NEVADA)) ss
COUNTY OF CLARK)

Clerk.

City Clerk
DEPARTMENT

24 day of April, 2007

Carmel M. Vlado

 **CARMEL M. VIADO**
Notary Public State of Nevada
No. 06-107821-1
My appt. exp. July 18, 2010

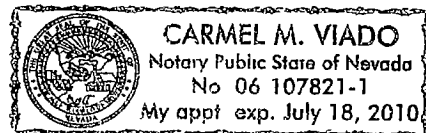
STATE OF NEVADA)
) ss
COUNTY OF CLARK)

1. City Clerk's Bulletin Board, 400 Stewart Avenue, 2nd Floor Skybridge (in the walkway area next to the entrance of the Human Resources Department)
2. Bulletin Board, City Hall Plaza, 400 Stewart Avenue (next door to Metro Records)
3. Las Vegas Library, 833 Las Vegas Blvd.
4. Clark County Government Center, 500 S. Grand Central Parkway
5. Grant Sawyer Building, 555 E. Washington Avenue

City Clerk
DEPARTMENT

24 day of April, 2007

NOTARY PUBLIC in and for said County and State



AGENDA SUMMARY PAGE
RECOMMENDING COMMITTEE MEETING OF: MAY 1, 2007

DEPARTMENT: CITY CLERK

DIRECTOR: BEVERLY K. BRIDGES, ACTING

SUBJECT:

CALL TO ORDER

Minutes:

COUNCILMAN ROSS called the meeting to order at 4:01 p.m., as COUNCILWOMAN TARKANIAN asked him to chair the meeting.

PRESENT: COUNCILMEMBERS TARKANIAN and ROSS

Also Present: DEPUTY CITY MANAGER STEVE HOUCHENS, CHIEF DEPUTY CITY ATTORNEY VAL STEED and DEPUTY CITY CLERK GABRIELA PORTILLO-BRENNER



AGENDA SUMMARY PAGE

RECOMMENDING COMMITTEE MEETING OF: MAY 1, 2007

DEPARTMENT: CITY CLERK

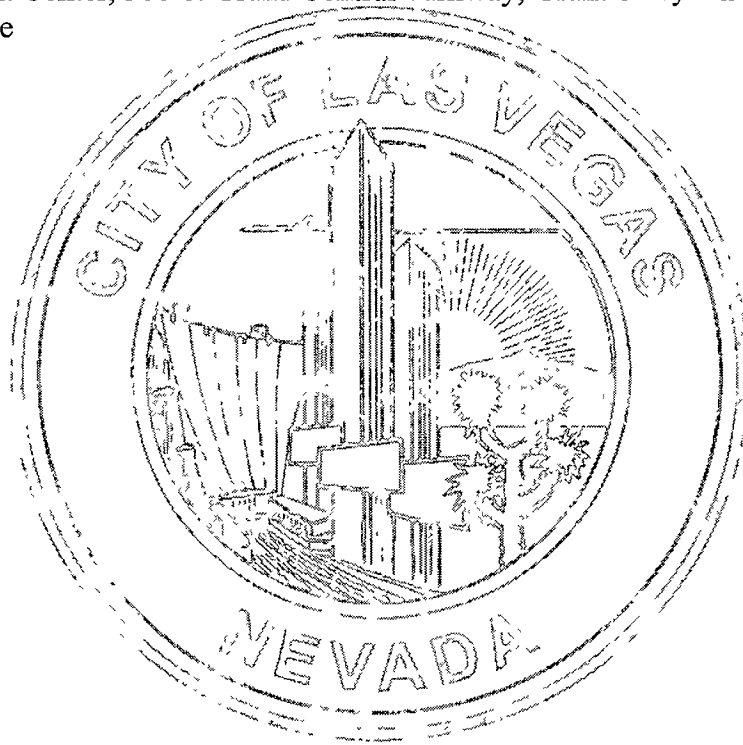
DIRECTOR: BEVERLY K. BRIDGES, ACTING

SUBJECT:

ANNOUNCEMENT RE: COMPLIANCE WITH OPEN MEETING LAW

Minutes:

ANNOUNCEMENT MADE - Meeting noticed and posted at the following locations: City Clerk's Bulletin Board, City Hall Plaza, 2nd Floor Skybridge Bulletin Board, City Hall Plaza (next door to Metro Records), Las Vegas Library, 833 Las Vegas Boulevard North, Clark County Government Center, 500 S. Grand Central Parkway, Grant Sawyer Building, 555 E. Washington Avenue



AGENDA SUMMARY PAGE

RECOMMENDING COMMITTEE MEETING OF: MAY 1, 2007

DEPARTMENT: CITY ATTORNEY

DIRECTOR: BRADFORD R. JERBIC

☐ Consent ☒ Discussion

SUBJECT:

NEW BILL.

Bill No. 2007-14 – Prohibits unruly gatherings and establishes regulations and penalties with respect thereto. Sponsored by: Councilwoman Lois Tarkanian and Councilman Gary Reese

Fiscal Impact

☒

No Impact

☐

Augmentation Required

☐

Budget Funds Available

Amount:

Funding Source:

Dept./Division:

PURPOSE/BACKGROUND:

This bill will prohibit unruly gatherings and provide regulations and penalties with respect thereto. Such gatherings include neighborhood parties and other gatherings in residential areas that cause a disturbance of the quiet enjoyment of private or public property. Typical gatherings of this type involve the consumption of alcoholic beverages by minors and create the need for emergency response services. The bill is intended to reduce the costs of providing such services by providing for civil penalties and the recovery of costs.

RECOMMENDATION:

This bill was held in abeyance by the 4/3/2007 Recommending Committee to 5/1/2007 Recommending Committee meeting for review, hearing and recommendation to the City Council for final action.

BACKUP DOCUMENTATION:

1. Bill No. 2007-14
2. Business Impact Statement
3. Submitted at meeting - copy of flyer on Tucson's Unruly Gathering Ordinance; Ventura County Model Social Host Liability Ordinance; Title 9 of Daly City, CA; Santa Cruz, CA, Ordinance No. 2005-20 and web pages from Tucson and City of San Mateo by staff, letter by Juanita Clark of Charleston Neighborhood Preservation and written comments by Tom McGowan

Motion made by LOIS TARKANIAN to Table

Passed For: 2; Against: 0; Abstain: 0; Did Not Vote: 0, Excused: 0

LOIS TARKANIAN, STEVEN D. ROSS; (Against-None); (Abstain-None); (Did Not Vote-None); (Excused-None)

RECOMMENDING COMMITTEE MEETING OF: MAY 1, 2007

Minutes:

COUNCILMAN ROSS declared the Public Hearing open.

COUNCILWOMAN TARKANIAN indicated her desire to table this matter, as she would like the language polished, in order to make it as effective as possible. She noted that similar ordinances are in effect in cities throughout the country. Although there has been some criticism, especially in the 5/1/2007 morning newspaper, her intent is to help residents as much as possible.

CITY ATTORNEY JERBIC explained that the 5/1/2007 morning newspaper in no way influenced the recommendation to table this matter, opining that the article only reflects a lack of knowledge of the City's intent with this bill. In fact, the bill is the result of concerns expressed by the Las Vegas Metropolitan Police Department (Metro) regarding unruly gatherings. It is not a criminal ordinance, but rather a civil one, for only residences, not commercial properties. It is mainly to address "party houses," where people are out of control, and the police has to come in, requiring a lot of public resources to get these types of situations under control. The individuals caught in these situations and in violation the first time will be "red tagged." If Metro has to respond, a citation could be issued for disturbing the peace. Also, Neighborhood Services could respond and issue a civil warning (a "red tag") indicating that such residence has been the place of an unruly gathering, the location has caused disturbance to neighbors and that it has to cease and desist. If within 180 days the conduct is repeated, a civil citation could then be issued, making the individual liable for a penalty of up to \$150 and reimbursement to Metro and the City for any cleaning-up costs. A second offense within 180 days would carry a penalty of \$300, and a third offense within 180 days would carry a penalty of \$500. The bill includes an appeal process, first to Neighborhood Services, and then to the City Council.

CITY ATTORNEY JERBIC then submitted five packets of documentation regarding unruly gatherings ordinances in other cities, some of which were used to craft Bill No. 2007-14. He noted that the purpose of implementing such an ordinance is to use it for home parties that repeatedly give cause for the police to respond.

COUNCILMAN ROSS remarked that the ordinance provides for a perfect opportunity to recover expenses generated by party houses and to free up police officers to be better used elsewhere.

JUANITA CLARK, representing Charleston Neighborhood Preservation, expressed concern about the language in the proposed bill not containing clear timelines for an appeal. She then read and submitted a letter from some of the members of Charleston Neighborhood Preservation requesting denial.

COUNCILWOMAN TARKANIAN assured MS. CLARK that she read the letter.

COUNCILMAN ROSS interjected and asked MS. CLARK to keep in mind that

COUNCILWOMAN TARKANIAN requested this matter be tabled to allow more time to work on some of the issues. He assured her that the City Attorney will review the letter she read and submitted, adding that, although other cities have enacted similar ordinances, the City Council wants the City's ordinance to be better and could never support violating the constituency's rights.

RECOMMENDING COMMITTEE MEETING OF: MAY 1, 2007

COUNCILWOMAN TARKANIAN commented that this bill is the result of many phone calls and requests from residents that have been in very difficult situations to enact such an ordinance, because, currently, there is no other recourse. COUNCILMAN ROSS added that he has dealt with similar situations in Ward 6. There is definitely a problem, and it needs a solution.

TOM McGOWAN, Las Vegas resident, paraphrased his written comments, a copy of which is made a part of the minutes.

LEE ROLLAND, Staff Attorney, ACLU of Nevada, requested the opportunity to review the materials submitted by CITY ATTORNEY JERBIC, as well as to submit to him documentation, a copy of which was not submitted, with the ACLU's suggested language for consideration. She then expressed concern about the vagueness of Bill No. 2007-14, wherein an unruly gathering constitutes a gathering of two or more persons that causes the disturbance of the quiet enjoyment of any public or private property. This language is not limited or defined in anyway. But even the enumerated behavior is cause for concern, because it encompasses behavior that is non-criminal. For example, drinking in public is not against Las Vegas Municipal Code; residents are allowed to drink a beer on their front lawn. Under this bill, two people having a beer on the front lawn could be considered unruly. She reiterated that the entire definition of "any disturbance of quiet enjoyment of public or private property" is very expansive and leaves complete discretion to the enforcement officers. She requested the language be tightened up to target specific problematic behavior.

MS. ROLLAND noted that the ACLU does not have issue with the underlying intent, but rather with the ordinance being abused by residents with private disputes, because enforcement will be complaint driven. Surely, disturbing the peace ordinances currently apply and should address the behavior that prompted this bill. Lastly, she pointed out that the fact that other cities have similar laws already on the books does not dissuade the ACLU from thinking that this bill has problems.

CITY ATTORNEY JERBIC stated that the scenario cited of two people drinking a beer gives people an inflated sense of what people are trying to do in government to protect residents from party houses. A situation in which two people drinking a beer disturb the peace absolutely could trigger police action, but that could already be done under the disturbing the peace law, which can already be abused in residential disputes. This law merely allows the City to impose an additional civil penalty and to recover the cost of enforcement. He noted that he would be happy to review suggested language by the ACLU and that there are many ways to tighten laws, but never a way to please everyone. He felt comfortable with the language of 2007-14 as submitted.

COUNCILWOMAN TARKANIAN reiterated her desire to table this matter. She asked MS. ROLLAND, MS. CLARK and MR. McGOWAN to review the documentation submitted by CITY ATTORNEY JERBIC and to submit their written comments to the Council for inclusion.

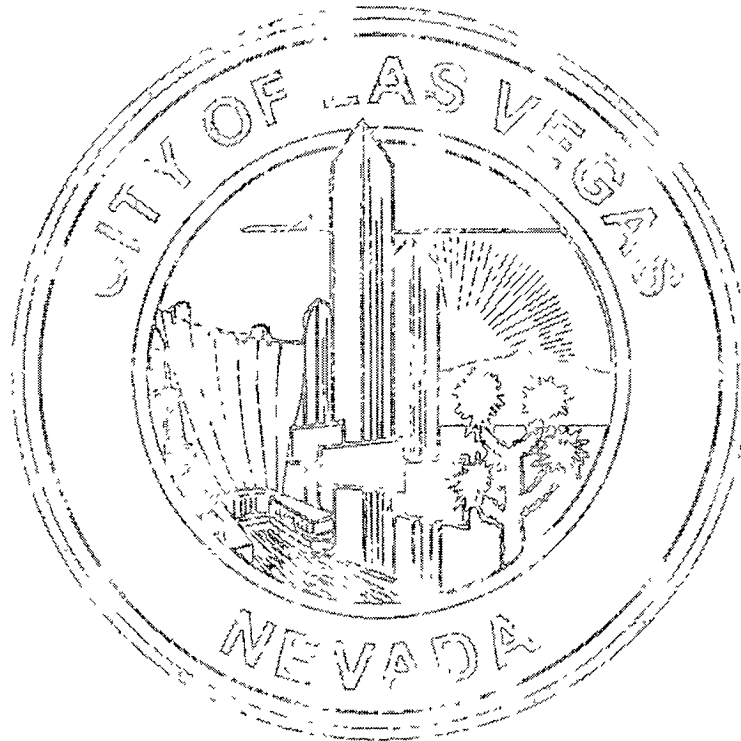
MS. ROLLAND asked COUNCILWOMAN TARKANIAN if the law is intended to allow for civil penalties for criminal enforcement only, or if the City is looking to expand the definition to behavior that is not currently considered criminal, because the ACLU is mainly concerned with the areas that are not considered criminal. COUNCILWOMAN TARKANIAN answered that her

RECOMMENDING COMMITTEE MEETING OF: MAY 1, 2007

intent is to help the residents. CITY ATTORNEY JERBIC indicated that the definition does not mirror the one in the disturbing the peace law. It is broader and encompasses more behavior, but it does not criminalize it, it merely allows the City to recover more costs by imposing more civil fines.

COUNCILWOMAN TARKANIAN noted that the "red tag" concept has worked so well for Neighborhood Services to enforce standards in neighborhoods. Hopefully, it will help residents that need help and cannot get the police to respond in a timely manner

COUNCILMAN ROSS declared the Public Hearing closed.



1 **BILL NO. 2007-14**

2 **ORDINANCE NO. _____**

3 **AN ORDINANCE TO PROHIBIT UNRULY GATHERINGS, ESTABLISH REGULATIONS WITH**
4 **RESPECT THERETO, PROVIDE FOR THE IMPOSITION OF PENALTIES AND RESPONSE**
5 **COSTS, AND PROVIDE FOR OTHER RELATED MATTERS.**

5 Sponsored by: Councilwoman Lois Tarkanian
6 Councilman Gary Reese

Summary: Prohibits unruly gatherings and
establishes regulations and penalties with
respect thereto.

7 **THE CITY COUNCIL OF THE CITY OF LAS VEGAS DOES HEREBY ORDAIN**
8 **AS FOLLOWS:**

9 **SECTION 1:** Title 9 of the Municipal Code of the City of Las Vegas, Nevada, 1983
10 Edition, is hereby amended by adding thereto a new chapter, designated as Chapter 14, consisting of
11 the provisions set forth as Sections 2 to 13, inclusive, of this Ordinance.

12 **SECTION 2:** The purpose of this Chapter is to set forth the criteria to be used by
13 Metro and the City to enforce laws prohibiting neighborhood parties that provide service to and
14 consumption of alcoholic beverages by adults and underage persons. In addition, this Chapter is
15 enacted to reduce the costs of providing police, fire and other emergency response services regarding
16 unruly gatherings by imposing a civil penalty against the social host and land owner for the recovery
17 of costs associated with providing emergency response services.

18 **SECTION 3:** For purposes of this Chapter, the following terms have the meanings
19 ascribed to them:

20 "Department" means the Department of Neighborhood Services.

21 "Metro" means the Las Vegas Metropolitan Police Department.

22 "Owner" means any owner of real property, as well as any agent of an owner acting on behalf
23 of the owner to control or otherwise regulate the occupancy of use of the property.

24 "Residence or other private residential property" means a home, yard, apartment,
25 condominium, or other dwelling unit or residential property, whether occupied on a temporary or
26 permanent basis, whether occupied as a dwelling, party or other social function and whether owned,
27 leased, rented or used without compensation.

28 "Response costs" means the costs associated with responses by law enforcement, fire or any

1 other emergency response providers to unruly gatherings, including, but not limited to:

2 (A) Salaries and benefits of law enforcement, fire or other emergency response
3 personnel for the amount of time spent responding to, remaining at, or otherwise dealing with unruly
4 gatherings;

5 (B) The cost of any medical treatment to or for any law enforcement, fire or other
6 emergency response personnel injured responding to, remaining at or leaving the scene of an unruly
7 gathering; and

8 (C) The cost of repairing any Metro or City equipment or property damaged, and
9 the cost of the use of any such equipment, in responding to, remaining at or leaving the scene of an
10 unruly gathering.

11 "Responsible person" means a person or persons with a right of possession in the residence
12 or other private residential property on which an unruly gathering is conducted, including, but not
13 limited to:

14 (A) An owner of the residence or other private residential property;

15 (B) A tenant or lessee of the residence or other private residential property;

16 (C) The landlord of another person responsible for the gathering;

17 (D) The person or persons in charge of the residence or other private residential
18 property; or

19 (E) The person or persons who organize, supervise, officiate, conduct or control
20 the gathering, or any other person or persons accepting responsibility for such a gathering.

21 "Unruly gathering" means a gathering of two or more persons on any private residential
22 property in a manner which causes a disturbance of the quiet enjoyment of private or public property
23 by any person or persons. Such disturbances include, but are not limited to, excessive noise or traffic,
24 obstruction of public streets by crowds or vehicles, drinking in public, the service of alcohol to minors
25 or consumption of alcohol by minors, fighting, littering, vandalism, assaults, batteries, disturbance of
26 the peace, or any other conduct that constitutes a threat to public health, safety or welfare. An unruly
27 gathering is unlawful and constitutes a civil infraction and may be abated by reasonable means,
28 including, but not limited to citations or arrests of violators under applicable ordinances or statutes.

1 SECTION 4: Every owner, occupant, lessee or holder of any possessory interest of
2 a residence or other private residential property within the City is required to maintain, manage and
3 supervise the property and all persons thereon in a manner so as not to violate the provisions of this
4 Chapter. Once notified, the owner of the property remains liable for such violations regardless of any
5 contract or agreement with any third party regarding the property.

6 SECTION 5: The Department is authorized to post any premises at which an unruly
7 gathering has occurred with a notice stating:

8 (A) That an unruly gathering has occurred at the premises;

9 (B) The date of the unruly gathering;

10 (C) That any subsequent unruly gathering on the same premises within a one
11 hundred eighty-day period shall be grounds for the imposition of liability in accordance with this
12 Chapter;

13 (D) That those with potential liability include any person in attendance causing the
14 gathering to be unruly; any owner, occupant or a tenant of the premises at which the unruly gathering
15 occurred; and any sponsor of the event constituting the unruly gathering; and

16 (E) That the posting of the notice may be contested as set forth in Section 8 of this
17 Ordinance.

18 SECTION 6: (A) The posting of premises pursuant to Section 5 of this Ordinance
19 is authorized each time an unruly gathering occurs on the premises. The owner, occupant or tenant
20 of the premises or sponsor of the event constituting the unruly gathering, if present, shall be consulted
21 as to the location in which such notice is posted in order to achieve both the security of the notice and
22 its prominent display. In the event that a premises is already posted at the time of a subsequent
23 posting the one hundred eighty-day period shall be extended to one hundred eighty days from the date
24 of the new posting. Once a premises is initially posted as a result of an unruly gathering and the
25 conduct causing the gathering to be unruly has ceased, a resumption of behavior constituting an unruly
26 gathering on the premises that results in another police response shall constitute a new and separate
27 unruly gathering for the purpose of this Section.

28 (B) In connection with the posting of premises, the Department shall mail notice

1 of the posting to the property owner at the last known address of record on file at the Clark County
2 Assessor's Office. The notice shall advise the property owner that any subsequent unruly gathering
3 within one hundred eighty days on the same premises shall be grounds for the imposition of liability
4 in accordance with this Chapter. The notification shall be sent by regular mail and certified mail,
5 return receipt requested. In addition, the notice shall be provided to any agent of the owner, if known,
6 who controls or regulates the use of the premises. Notice to the owner's agent may be provided by
7 hand delivery or by certified or regular mail sent to the agent's last known address. The failure to
8 serve notice to any person described in this Section shall not invalidate any citation, civil penalty or
9 other proceedings as to any other person duly served or relieve any such person from any duty imposed
10 by this section.

11 SECTION 7: The owner, occupant or tenant of the posted premises shall be
12 responsible for ensuring that a notice posted under Sections 5 and 6 of this Ordinance is not removed,
13 defaced or concealed. The removal, defacement or concealment of a posted notice is subject to a
14 minimum civil penalty of one hundred fifty dollars in addition to any other penalties which may be
15 imposed under this Chapter.

16 SECTION 8: An owner, occupant or tenant of the posted premises may contest the
17 posting of the notice by filing a written petition for review with the City Clerk requesting that the City
18 Council determine whether justification existed for posting of the notice under the provisions of this
19 Chapter. The petition must be filed in accordance with the time line that is set forth in LVMC
20 9.04.070 for notices of a nuisance violation, and the City Clerk shall set a hearing in accordance with
21 the requirements of Chapter 9.04. At the hearing, the agency responsible for posting the property shall
22 have the burden of proving by substantial evidence that the posting of the notice was justified pursuant
23 to the provisions of this Chapter.

24 SECTION 9: (A) Except as otherwise provided in Subsection (B) of this Section,
25 a petition for review under Section 8 of this Ordinance that is filed by an owner may include a request
26 for removal of a notice on the grounds that the owner has taken reasonable and necessary actions, such
27 as evicting a tenant responsible for the violation, to prevent the occurrence of a subsequent unruly
28 gathering at the posted premises. The petitioner has the burden of proving by a preponderance of

1 evidence that the petitioner has taken reasonable and necessary actions to prevent the occurrence of
2 a subsequent unruly gathering.

3 (B) A request under Subsection (A) of this Section is not available to an owner who
4 was present at the unruly gathering and engaged in conduct causing the gathering to be unruly.

5 SECTION 10: (A) An unruly gathering is unlawful and constitutes a nuisance and
6 civil violation. The following parties, if found responsible for the violation, are liable for the penalty
7 provided for in Paragraph (1) of Subsection (B) of Section 11 of this Ordinance:

8 (1) The person or persons who organized or sponsored the event
9 constituting the unruly gathering, including any owner or occupant in attendance at the unruly
10 gathering; and

11 (2) Any person in attendance at the unruly gathering who engaged in any
12 conduct causing the gathering to be unruly.

13 (B) The occurrence of an unruly gathering on the same premises more than once
14 in any one hundred eighty-day period is a civil violation. The following parties, if found responsible
15 for such a violation are liable for the penalties provided for in Paragraphs (2) or (3) of Subsections (B)
16 of Section 11 of this Ordinance:

17 (1) The owner of the property where the subsequent unruly gathering
18 occurred if either:

19 (a) The owner was present when the property was posted; or
20 ~~(b) Notification of the posting was mailed or delivered to the owner~~
21 of the property in accordance with Section 6 of this Ordinance and the subsequent unruly gathering
22 occurred not less than one week after the mailing of such notification.

23 (2) The occupant or tenant of the property where the subsequent unruly
24 gathering occurred.

25 (3) The person or persons who organized or sponsored the event
26 constituting the subsequent unruly gathering.

27 (4) Any person in attendance at the subsequent unruly gathering who
28 engaged in any conduct causing the gathering to be unruly.

1 (C) Nothing in this Section shall be construed to impose liability on the owner,
2 occupant or tenant of the premises or sponsor of the event constituting the unruly gathering for the
3 conduct of persons who are in attendance without the express or implied consent of the owner,
4 occupant tenant or sponsor as long as the owner, occupant tenant or sponsor has taken steps reasonably
5 necessary to prevent a subsequent unruly gathering or to exclude the uninvited persons from the
6 premises, including owners who are actively attempting to evict a tenant from the premises. Where
7 an invited person engages in unlawful conduct which the owner, occupant tenant or sponsor could not
8 reasonably foresee and could not reasonably control without the intervention of the police, the
9 unlawful conduct of the person shall not be attributable to the owner, occupant tenant or sponsor for
10 the purposes of determining liability under this Chapter.

11 SECTION 11: (A) It is a civil violation for any responsible person to conduct, aid,
12 allow, permit or condone an unruly gathering at a residence or other private residential property. Upon
13 receipt of documentation indicating that an unruly gathering has taken place, the Department is
14 authorized to determine that a violation has occurred, that one or more persons should be held
15 responsible for the violation, and that penalties should be imposed.

16 (B) Upon a determination made pursuant to Subsection (A), the Department is
17 authorized to impose the following penalties:

18 (1) For a first violation of this Chapter, a minimum civil penalty of one
19 hundred fifty dollars;

20 (2) For a second violation of this Chapter at the same residence or private
21 residential property, or by the same responsible person, within a one hundred eighty-day period, a
22 minimum civil penalty of three hundred dollars.

23 (3) For a third or subsequent violation of this Chapter at the same residence
24 or private residential property, or by the same responsible person, within a one hundred eighty-day
25 period, a minimum civil penalty of five hundred dollars.

26 (C) The second, third or subsequent penalties prescribed in Paragraphs (2) and (3)
27 of Subsection (B) are payable whether or not the responsible person for such unruly gathering is
28 different from the responsible person for any prior unruly gathering at the residence or other private

1 residential property.

2 (D) The penalty schedule prescribed in this Section is a "rolling schedule," meaning
3 that, in calculating the penalty that is payable, the Department shall count backward starting from the
4 date of the most recent unruly gathering to determine how many prior unruly gatherings have taken
5 place at the residence or other private residential property in question during the preceding one
6 hundred eighty days. A warning given pursuant to this Chapter shall remain in effect for the residence
7 or other private residential property at a given address until a full one hundred eighty-day period has
8 elapsed during which there have been no responses to a unruly gathering at that residence or other
9 private residential property.

10 (E) The determination that a violation occurred and the imposition of penalties
11 pursuant to this Section may be appealed in accordance with the appeal procedures for nuisances as
12 set forth in LVMC Chapter 9.04. The payment of any penalty shall be stayed during the pendency of
13 a timely appeal.

14 SECTION 12: (A) When law enforcement, fire or other emergency response
15 provider responds to an unruly gathering at a residence or other private residential property within one
16 hundred eighty days of a warning given to a responsible person for an unruly gathering, all persons
17 shall be jointly and severally liable for the costs of Metro or the City of providing response costs for
18 that response and all subsequent responses during the warning period.

19 (B) When a law enforcement, fire or other emergency response provider officials
20 makes an initial response to an unruly gathering at a residence or other private residential property,
21 the official shall inform any person or persons at the scene who are responsible for the gathering that:

- 22 (1) The official has determined that an unruly gathering exists; and
23 (2) Responsible persons are liable for any response costs required for
24 subsequent responses to the scene for an unruly gathering within one hundred eighty days.

25 (C) Only one warning will be given to a responsible person pursuant to this Section
26 before Metro or the City assesses response service costs in accordance with this Chapter.

27 (D) If a responsible person cannot be identified at the scene, the official may issue
28 a warning to one or more persons identified pursuant to this Section, may subsequently return to the

1 residence or other private residential property and issue the warning to a then present responsible
2 person, or a combination thereof. Warnings given to responsible persons who do not reside at the
3 residence or other private residential property in question shall be delivered by regular and certified
4 mail, return receipt requested.

5 SECTION 13: (A) The amount of response costs shall be deemed a debt owned to
6 the City by the responsible person held liable under Section 12 of this Ordinance for the unruly
7 gathering and, if a juvenile, by the juvenile's parents. The responsible person may appeal the
8 imposition of costs in accordance with the appeal procedures for nuisance as set forth in LVMC
9 Chapter 9.04. In the event an appeal is not timely filed, the City may collect the costs in any
10 commercially reasonable manner including, but not limited to using a collection agency or civil
11 litigation.

12 (B) Notice of the costs for which the responsible person is liable shall be mailed
13 by regular mail and certified mail, return receipt requested within thirty days of the response giving
14 rise to such costs. The notice shall contain the following information:

15 (1) The name of the person or persons being held liable for the payment of
16 such costs;

17 (2) The address of the residence or other private residential property where
18 the unruly gathering occurred;

19 (3) The date and time of the response;

20 ~~(4) The law enforcement, fire or emergency service provider who~~
21 responded;

22 (5) The date and time of any previous warning given pursuant to Section
23 12 of this Ordinance and previous responses to unruly gatherings at the residence or other private
24 residential property in question within the previous one hundred eighty-day period; and

25 (6) An itemized list of the response costs for which the person or persons
26 are being held liable.

27 (C) The responsible person must remit payment of the noticed response costs to the
28 City Clerk within thirty days after the date of the notice. The payment of any such costs shall be

1 stayed upon a timely appeal.

2 SECTION 14: If any section, subsection, subdivision, paragraph, sentence, clause or
3 phrase in this ordinance or any part thereof is for any reason held to be unconstitutional or invalid or
4 ineffective by any court of competent jurisdiction, such decision shall not affect the validity or
5 effectiveness of the remaining portions of this ordinance or any part thereof. The City Council of the
6 City of Las Vegas hereby declares that it would have passed each section, subsection, subdivision,
7 paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more sections,
8 subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional,
9 invalid or ineffective.

10 SECTION 15: All ordinances or parts of ordinances or sections, subsections, phrases,
11 sentences, clauses or paragraphs contained in the Municipal Code of the City of Las Vegas, Nevada,
12 1983 Edition, in conflict herewith are hereby repealed.

13 PASSED, ADOPTED and APPROVED this ____ day of _____, 2007.

14 APPROVED:

15 By _____
16 OSCAR B. GOODMAN, Mayor

17 ATTEST:

18 BEVERLY BRIDGES, Acting City Clerk

19 APPROVED AS TO FORM:

20 Val Steel 3-13-07
21 Date

1 The above and foregoing ordinance was first proposed and read by title to the City Council on the
2 ____ day of _____, 2007, and referred to the following committee composed of
3 _____ and _____ for recommendation;
4 thereafter the said committee reported favorably on said ordinance on the ____ day of
5 _____, 2007, which was a _____ meeting of said Council; that at said
6 _____ meeting, the proposed ordinance was read by title to the City Council
7 as first introduced and adopted by the following vote:

8 VOTING "AYE": _____

9 VOTING "NAY": _____

10 ABSENT: _____

11

12 APPROVED:

13

14 By _____
OSCAR B. GOODMAN, Mayor

15 ATTEST:

16

17 BEVERLY BRIDGES, Acting City Clerk

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**BUSINESS IMPACT STATEMENT
BILL NO. 2007-14**

(Prohibits unruly gatherings and establishes regulations and penalties with respect thereto)

This business impact statement was prepared pursuant to NRS 237.090 to address the impact of a proposed ordinance, Bill No. 2007-14, that will prohibit unruly gatherings and establish regulations and penalties with respect thereto

1. The following constitutes a description of the number of the manner in which comment was solicited from affected businesses, a summary of their responses and an explanation of the manner in which other interested persons may obtain a copy of the summary.

Not applicable.

2. The estimated economic effect of the proposed rule on businesses, including, without limitation, both adverse and beneficial effects, and both direct and indirect effects:

Adverse effects:

None

Beneficial effects:

None

Direct effects:

None

Indirect effects:

None

3. The following constitutes a description of the methods the local government considered to reduce the impact of the proposed rule on businesses and a statement regarding whether any, and if so which, of these methods were used:

Not applicable

4. The governing body estimates the annual cost to the local government for enforcement of the proposed rule is:

No additional cost

5. If the proposed rule provides for a new fee or increases an existing fee, the total annual amount expected to be collected is:

Not applicable

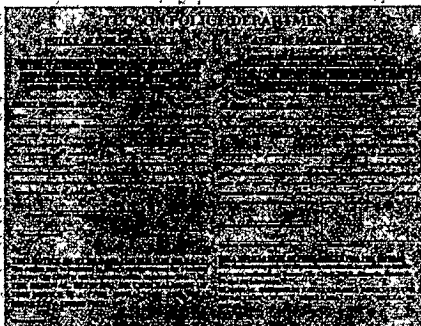
6. If the proposed rule provides for a new fee or increases an existing fee, the money generated by the new fee or increase in existing fee will be used by the local government to:

Not applicable

7. If the proposed rule includes provisions that duplicate or are more stringent than federal, state or local standards regulating the same activity, the following explains when such duplicative or more stringent provisions are necessary:

Not applicable

Date: March 13, 2007



Who is held responsible if my residence gets red-tagged?

If law enforcement officials determine that a party or event is in violation of the Unruly Gathering Ordinance, the following individuals will be held responsible and will face penalties:

- The person(s) who organized or sponsored the party/event
- The owner of the residence where the unruly gathering occurred, if in attendance at the party/event*
- The occupant(s) or tenant(s) of the residence where the unruly gathering occurred, if in attendance at the party/event*
- Any person in attendance at the party/event who engaged in conduct causing the gathering to be unruly

*This applies to the first citation only. In subsequent violations, these parties are held responsible regardless of their attendance at the party/event.



You may have read about it in the *Arizona Daily Wildcat*. It's called "Red Tagging" and it's something you should know about if you're planning to host a party.

According to the City of Tucson's Unruly Gathering Ordinance, loud or unruly gatherings are unlawful and constitute a civil infraction. This brochure answers some common questions about the ordinance.

What can I do to prevent my party from becoming an unruly gathering?

U of A students, like all Tucson residents, have an obligation to respect their neighbors' rights, privileges, and property. By following the tips below, students can successfully host their parties and celebration events while still maintaining peaceful and positive relations with their neighbors:

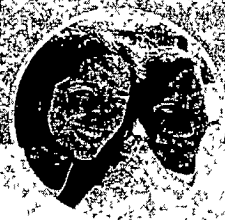
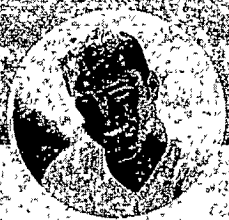
- Keep guest lists to a minimum. If you are planning a large party, inform nearby neighbors in writing at least one week in advance of the party, and include your phone number so that they may contact you with any concerns.*
- Respect your neighbors' property and inform your guests that you expect them to do the same.
- Keep noise levels to a minimum.
- Alert law enforcement if there are early signs that a party is getting out of control.
- Make sure that post-party cleanup is completed no later than one day following the party.
- If alcohol is being served:
 - Take steps to ensure that all guests have a safe ride home.
 - Take steps to ensure that guests under the age of 21 do not have access to alcohol.
 - Have food and a variety of non-alcoholic drinks available.
- If a neighbor calls with a complaint while your party is in progress, make every effort to address and resolve the issue that is causing your neighbor distress.
- Prior notification to neighbors about a party will not excuse a homeowner/tenant from receiving a red tag if that party violates the Unruly Gathering Ordinance.

Know the Law!

City of Tucson's
**Unruly
 Gathering
 Ordinance**
 (RED TAGGING)

Unruly Gathering Ordinance

(RED TAGGING)



What constitutes an unruly gathering?

The ordinance defines it as "a gathering of five (5) or more persons on any private property (including property used to conduct business) in a manner which causes a disturbance of the quiet enjoyment of private or public property by any person or persons." Disturbances include, but are not limited to:

- Excessive noise or traffic
- Obstruction of public streets by crowds or vehicles
- Drinking in public
- Service of alcohol to minors or consumption of alcohol by minors
- Fighting
- Disturbing the peace
- Littering

What is a red tag?

A red tag is the notice that is posted at the premises where an unruly gathering occurred. By law, it must be posted in a location that is highly visible to the public. A red tag states the following:

- That an unruly gathering occurred on the premises,
- The date of the unruly gathering,
- That any subsequent unruly gathering on the same premises within a 180-day period shall result in further penalties, and
- The right to contest the citation and posting.

What happens if my residence gets red-tagged?

Once a party or event is deemed in violation of the Unruly Gathering Ordinance by law enforcement officials, a red tag notice will be issued and posted on the premises. This notice of violation will be effective, and must remain posted, for a period of 180 days. Individuals who are found to be responsible for causing the unruly gathering will incur a minimum, mandatory fine of \$100 per individual. Notification of the red tag posting will be sent by certified mail to the property owner advising that any subsequent unruly gathering on the same premises within 180 days of the posting will result in further liability and penalties.

What will happen if another unruly gathering occurs at my residence during the 180-day period?

If a subsequent red tag is issued to a premises within 180 days of its last citation, the 180-day period from the date of the previous posting will be extended to 180 days from the date of the subsequent posting. Individuals who are found responsible for the occurrence of a subsequent unruly gathering will incur the following:

- A minimum mandatory fine of \$500 for the first subsequent violation,
- A minimum mandatory fine of \$1,000 for the second subsequent violation,
- A minimum mandatory fine of \$1,500 for the third (or more) subsequent violation(s).

What will happen if I remove the red tag notice prior to the end of the 180-day period?

The owner, occupant(s), or tenant(s) of the residence in violation are responsible for ensuring that the red tag notice is not removed, defaced or concealed during the entire 180-day citation period. Removal, defacement or concealment of a posted red tag notice will result in a minimum mandatory fine of \$100.

What right do I have to contest a red tag citation?

Any owner, occupant or tenant who feels their residence has been issued a red tag notice unjustly may contest the notice by filing a written petition for review with the civil infractions division of the Tucson City Court requesting that the court determine whether justification existed for issuing the red tag. Petitions must be filed no later than 10 days after the posting of the notice, or if the notice is issued by mail, no later than 15 days after the date of the mailing of the notice. The court will set a time and date for a hearing to be held no later than 15 days after receipt of the written petition, and will notify both the petitioner and the criminal division of the City Attorney's Office.



Model Social Host Liability Ordinance

A Publication of the
Training, Applied Research, and Alcohol and Drug Prevention Division
Ventura County Behavioral Health Department


VENTURA COUNTY LIMITS

A Community Partnership for Responsible Alcohol Policies & Practices

The intent of this report is to provide useful information to municipal governments, private institutions and community coalitions who are formulating responses to the many problems caused by home parties involving underage drinking.

Using this Publication

This is public information and is meant to be shared. Copy and distribute this Policy Briefing as appropriate. For additional copies please visit www.venturacountylimits.org

For more information, contact:

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Model Social Host Liability Ordinance



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Ventura County Behavioral Health Department



Center for the Study of Law
and Enforcement Policy

A Center of the Pacific Institute for Research and Evaluation



Pacific Institute
FOR RESEARCH AND EVALUATION



VENTURA COUNTY LIMITS

A Community Partnership for Responsible Alcohol Policies & Practices

Introduction

This is the third in a series of reports associated with Ventura County Limits, a Community Partnership for Responsible Alcohol Policies and Practices. Two previous reports considered issues related to underage and binge drinking in Ventura County, and the circumstances of drinking for young adults in Ventura County prior to their arrest for impaired driving (please see www.VenturaCountyLimits.org). Both of these publications suggested that home parties are settings in Ventura County where excessive alcohol consumption among underage and young adult drinkers can lead to dangerous—even deadly—consequences, and pointed to the need for new community prevention tools.

“Nearly three in ten (28.6%) of those 25 and younger that binge drink report last doing so in their own homes, and 45.2% report last binge drinking at someone else’s home. These data point to “house parties” as settings for binge drinking among young adults.”

—*Underage and Binge Drinking: Selected Findings from a Telephone Survey of Ventura County Residents (2005)*

As part of its county-wide initiative to reduce underage and dangerous drinking, including the serious and persistent problems associated with home drinking parties, the Ventura County Behavioral Health Department, in collaboration with the Center for the Study of Law and Enforcement Policy (CSLEP) of the Pacific Institute for Research and Evaluation (PIRE), has developed this publication to aid local governments and other community agencies in the formulation of effective prevention policies.

The model ordinance and commentary were designed to address communities of diverse settings and needs. They also take into consideration various concerns of municipalities with respect to effectively deterring loud, unruly or dangerous parties in private settings, using clear explanations of the different types of Social Host Liability and presenting options for imposing fees and recovering costs associated with law enforcement, fire, or other emergency response services.

In developing this publication the authors and sponsors have been encouraged by the intense concern of parents, community coalitions, law enforcement personnel and elected officials, all of whom have been calling out for better strategies to reduce the many social, health and public safety consequences of underage drinking parties. We hope the words on the following pages lead to community action — resulting in new social realities that improve the quality of life and sense of safety for everyone in Ventura County.

The Social and Legal Context

The National Academies Institute of Medicine's seminal report entitled *Reducing Underage Drinking: a Collective Responsibility*, released in 2003, documents the wide ranging and devastating consequences of adolescent and young adult consumption of alcoholic beverages. Estimating the annual social cost of underage drinking to be at least \$53 billion, *Reducing Underage Drinking* urges states and localities to enact a comprehensive set of strategies to reduce underage alcohol consumption. These strategies include strengthening social host liability laws to deter underage drinking parties and other gatherings.

Social host liability refers to laws that hold non-commercial individuals responsible for underage drinking events on property they own, lease, or otherwise control. Whereas laws prohibiting furnishing alcoholic beverages to underage persons target providing alcoholic beverages to underage persons, social host laws target providing the venue where underage drinking takes place.

A Practical Guide to Preventing and Dispersing Underage Drinking Parties (PIRE, undated) articulates why regulating underage drinking parties and other gatherings is an important priority and why social host liability laws should be considered an essential law enforcement strategy for deterring these gatherings:

Many people dismiss underage drinking as a normal "rite of passage" in adolescence. However, it is important to remember that alcohol is one of the most common contributors to injury, death, and criminal behavior among youth (US Department of Health And Human Services, 1992). Underage alcohol use can have immediate and potentially tragic consequences as well as long-range harmful consequences, such as increased risk for chronic alcohol addiction (Grant and Dawson, 1997). Enforcement activities to limit youth access to alcohol are critical to reducing underage drinking and its often tragic consequences. ...

One common way that underage drinkers gain access to alcohol is at parties. These parties are commonly large gatherings of young people in a home ..., in an outdoor area (like a beach or a park), or in some other venue (like a warehouse rented for the purpose). These parties can be particularly problematic because of the number of drinkers involved and the large quantities of alcohol consumed. Reports of alcohol poisonings, traffic crashes, property damage, community disturbance, violence, and sexual assault are all too common as a result of these parties.

Teen parties are a primary avenue for underage drinking for high school and college students – and of high consumption of alcohol and binge drinking. Mayer, Forster, Murray, and Wagenaar (1998) found that the most common setting for drinking among high school seniors was someone else's home. High consumption (five or more drinks) is also associated with drinking in larger groups. The

authors conclude that interventions that modify the environments in which adolescents find themselves have an impact on alcohol consumption levels. “Policies aimed at increasing the liability of adults who provide alcohol to or drink with minors may help to reduce underage drinking.” (Mayer et al: 214)

Approximately 46,200 of Ventura County residents are in high school grades nine through twelve¹, living in widely different residential, rural farming, canyon, beach, and coastal communities. Communities, regardless of type, report that many parents have a high tolerance for teen parties, allowing them to occur on their property often without any supervision.² *Regulatory Strategies for Preventing Youth Access to Alcohol: Best Practices* (PIRE, 1999) observes: “This tolerance apparently stems from three misconceptions or beliefs: (1) alcohol, particularly beer, is a relatively harmless drug compared to illegal drugs, and its consumption is part of the passage to adulthood; (2) permitting consumption in a residential setting is safer than having it occur in open areas, where there is a higher risk of problems; and (3) teen drinking is inevitable, and it is safer if it occurs in a controlled, residential setting.”

Ventura County has three community colleges in Moorpark, Oxnard, and Ventura; a new four-year university Cal State Channel Islands in the Camarillo area; and California Lutheran University, a private institution in Thousand Oaks. Clapp, Shillington, and Segars (2000) found that for college students, parties were among the most common occasions for socializing and were the settings most associated with heavy drinking. Similarly, Jones-Webb, Toomey, Miner, Wagenaar, Wolfson, and Poon (1997) found that a common source of alcohol for college drinkers was parties-- including house parties, outdoor parties, or fraternity parties. Respondents to youth focus groups saw little risk of law enforcement intervention at underage drinking parties, indicating that expectations about enforcement of underage drinking laws were low.

Community tolerance is compounded by the legal obstacles to law enforcement agencies in deterring teen parties and college gatherings. (PIRE, 1999: 27.) California law prohibits both furnishing alcohol to underage persons and youth possession on public property. On the other hand, state law does *not* prohibit youth possession on private property, and state law does *not* prohibit youth consumption anywhere. Law enforcement “detecting an underage party may not have legal grounds to enter the premises, be unable to confiscate the alcohol, trace its original purchaser, or hold the adult homeowner, landlord, or renter responsible for allowing the party on the premises.” (PIRE, 1999: 27.)

Three Different Types of Social Host Liability

Depending on the state and local jurisdiction, the hosting of a party on private property at which an underage drinker becomes intoxicated could result in three distinct types of liability against the social host: social host criminal liability, social host civil liability, and recovery of response costs. Each type of liability should be viewed as a separate legal strategy for deterring underage drinking parties.

¹ 2004 Series Public K-12 Enrollment Projections Demographic Research Unit, Department of Finance October 2004
<http://www.dof.ca.gov/HTML/DEMOGRAPH/K12Grads04.xls> Accessed 9/1/05

² Pacific Institute for Research and Evaluation 1999 *Regulatory Strategies for Preventing Youth Access to Alcohol: Best Practices*
<http://www.apolnet.ca/resources/education/bestpractices.html>. Accessed 9/1/05

State Social Host Criminal Statutes

Social host criminal liability involves a state statutory violation, enforced by the state through criminal prosecution and leading to criminal sanctions such as fines or imprisonment. As of January 1, 2005, nineteen states have enacted social host criminal liability statutes.³

There are two types of state social host criminal statutes:

- **Specific House Party Laws.** These statutes, often called “open house party” laws, explicitly address parties or other gatherings attended by underage persons on private property. As of January 1, 2005, there were six jurisdictions with explicit house party laws.
- **General Laws Addressing Adult Permitting/Allowing Underage Drinking.** As of January 1, 2005, thirteen jurisdictions have statutes that prohibit social hosts from allowing or permitting underage drinking on their property. Although addressing the same problems, general laws are broader in scope than specific house party statutes (e.g., they may prohibit adults from allowing underage persons to consume alcohol in settings other than social gatherings), but they still apply to the underage drinking party context. These general laws do not provide specific guidelines commonly contained in specific house party laws, such as, for example, what steps a host can take to stop an underage party in progress to avoid criminal sanctions.

State Social Host Civil Liability Laws

Social host civil liability holds social hosts potentially responsible for the injuries to third parties caused by guests whom the hosts had served or had allowed to consume alcoholic beverages. This form of liability, which can be imposed by either statutes or common law negligence principles, involves private litigation and come into play only if an injured third party decides to sue the social host. Before the 1980s, state courts and legislatures in the United States were reluctant to impose liability on social hosts, reasoning that they were not as capable of handling the responsibilities of monitoring their guests’ alcohol consumption as were commercial vendors. Over time, this initial reluctance waned, and courts and legislatures continued to impose liability against social hosts in a growing number of circumstances.⁴ This growth in the imposition of social host liability is particularly evident in cases in which the intoxicated person is underage.⁵ Today, courts and legislatures accord underage persons special treatment not accorded intoxicated adults, based on the rationale that “[underage persons], because of their youth and inexperience in both drinking and driving, need greater safeguarding from intoxication than adults.”⁶ Only the state legislature or state courts (as opposed to city and county governments) have the authority to impose this form of civil liability.

³ In addition, numerous local communities have passed ordinances that impose criminal liability on social hosts.

⁴ See Hall, Clouded Judgment. The Implications of *Smith v. Merritt* in the Realm of Social Host Liability and Underage Drinking in Texas (1998) 30 St Mary’s L J. 207, 217 (reviews historical development of social host liability in Texas); Note, Tort Law. Social Host Liability for the Negligent Acts of Intoxicated Minors--*Mitseff v. Wheeler*, 38 Ohio St 3d 112, 526 N.E 2d 798 (1988) (1989) 14 U Dayton L. Rev 377 (reviews historical development of social host liability in Ohio); Comment, Beyond Social Host Liability: Accomplice Liability (1988) 19 Cumb L Rev 553, 554; Note, Social Host Liability to Third Parties for the Acts of Intoxicated Adult Guests *Kelly v. Gwinnell* (1988/1989) (1985) 38 Sw L J. 1297, 1298-1299

⁵ See Note, *supra* note 1, 14 U Dayton L. Rev. at 377.

⁶ See Comment (1992) 25 U C Davis L Rev 463, 471.

Response Costs Recovery Municipal Ordinances

A third type of social host liability occurs at the level of local government in the form of municipal (city or county) ordinances called “response costs recovery” ordinances. In general, these laws hold social hosts (including tenants) and landowners (including landlords) civilly responsible for the costs of law enforcement, fire, or other emergency response services associated with multiple responses to the scene of an underage drinking party or other gathering occurring on private property, whether or not the hosts or landowners had knowledge of the occurrence of the parties or gatherings.

As part of its county-wide initiative to reduce underage and binge drinking, including the occurrence of underage drinking parties and other gatherings, the Ventura County Behavioral Health Department’s Training, Applied Research, and Alcohol and Drug Prevention Division, in collaboration with the Center for the Study of Law Enforcement and Policy (CSLEP) of Pacific Institute for Research and Evaluation (PIRE), has published the following model response costs recovery ordinance. This model ordinance can be the basis for a powerful new legal tool to deter underage drinking parties and other gatherings in communities throughout the county.

The model ordinance is drafted in a manner that addresses communities of diverse needs. It also accommodates the varied concerns of both the county’s unincorporated areas and incorporated cities. The text of the model ordinance may be modified easily to address these differences. For the county, the model ordinance is best placed as a new Article 12 to follow Article 11, *Loud or Raucous Nighttime Noise in Residential Zones* in Division 6, *Police Regulations*, of the Codified Ordinances of the County of Ventura.

Highlights

of the Model Social Host Liability Ordinance

- Recognizes that the occurrence of loud or unruly parties on private property where alcoholic beverages are served to, or consumed by, underage persons is harmful to the underage persons themselves, is a threat to public health, safety, quiet enjoyment of residential property and general welfare, and constitutes a public nuisance.
- Recognizes that persons responsible for the occurrence of loud or unruly parties on private property over which they have possession or control have a duty to ensure that alcoholic beverages are not served to, or consumed by, underage persons at these parties.
- Recognizes that landlords have a duty to prevent the occurrence of loud or unruly parties, including those where alcoholic beverages are served to, or consumed by, underage persons, on private property they lease to tenants, even if they do not have day-to-day, physical control of the property.
- Recognizes that law enforcement, fire, or other emergency responders often need to respond multiple times to disperse underage drinking parties, resulting in a disproportionate expenditure of the public safety resources on these parties, delaying police responses to regular and emergency calls, and reducing police calls to the rest of a community.
- Recognizes that cities and counties require a variety of enforcement strategies to abate underage drinking parties under varying circumstances and that present law constrains the ability of law enforcement to deter underage drinking parties and other gatherings.
- As a primary strategy for deterring underage drinking parties on private property, imposes a civil fee against social hosts (including tenants) and/or landowners (including landlords) for the recovery of specified costs associated with providing law enforcement, fire, or other emergency response services on multiple occasions to the scene of a loud or unruly party where alcoholic beverages are served to, or consumed by, underage persons.
- Provides option of imposing criminal penalties in cases of egregious circumstances or recalcitrant offenders.

Model Social Host Liability Ordinance

Section 1. Short Title.

This [Ordinance] shall be known as the “Model Social Host Liability Ordinance.”

Section 2. Legislative Findings.

The [city council/county board of supervisors] finds as follows:

(a) [The City of _____/County of Ventura], 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;

(b) The occurrence of loud or unruly gatherings on private property where alcoholic beverages are served to or consumed by underage persons is harmful to the underage persons themselves and a threat to public health, safety, quiet enjoyment of residential property and general welfare;

(c) Underage persons often obtain alcoholic beverages at gatherings held at private residences or at rented residential and commercial premises that are under the control of a person who knows or should know of the underage service and/or consumption. Persons responsible for the occurrence of loud or unruly gatherings on private property over which they have possession or control have failed to ensure that alcoholic beverages are neither served to nor consumed by underage persons at these parties;

(d) Landlords have failed to prevent the occurrence or reoccurrence of loud or unruly gatherings, including those where alcoholic beverages are served to or consumed by underage persons, on private property they lease to tenants, which seriously disrupts the quiet enjoyment of neighboring residents;

(e) Problems associated with loud or unruly gatherings at which alcoholic beverages are served to or consumed by underage persons are difficult to prevent and deter unless the [City of ____ Police Department/Ventura County Sheriff's Office] has the legal authority to direct the host to disperse the gathering;

(f) Control of loud or unruly gatherings on private property where alcoholic beverages are served to or consumed by underage persons is necessary when

such activity is determined to be a threat to the peace, health, safety, or general welfare of the public;

(g) Persons held responsible for abetting or tolerating loud or unruly gatherings will be more likely to properly supervise or stop such conduct at gatherings held on property under their possession or control,

(h) In the past and present, law enforcement, fire and other emergency response services personnel have and are required to respond, sometimes on multiple occasions, to loud or unruly gatherings on private property at which alcoholic beverages are served to or consumed by underage persons, and responses to such gatherings result in a disproportionate expenditure of public safety resources of the [City of ____/Ventura County], which are underwritten by general municipal taxes paid to the [City/County] by its taxpayers and residents and delaying police responses to regular and emergency calls to the rest of the [City/County]

[Include this finding only if the legislative body intends to make allowing a loud or unruly gathering a strict liability offense. Do not include finding if legislative body intends to require that the offender “knowingly” allowed a loud or unruly gathering:]

(i) The intent of this Ordinance is to protect the public health, safety, quiet enjoyment of residential property, and general welfare, rather than to punish. An ordinance that imposes strict liability on property owners and other responsible persons for the nuisances created by loud and unruly gatherings is necessary to deter and prevent such gatherings. Persons who actively and passively aid, allow or tolerate loud or unruly gatherings shall be held strictly liable for the nuisances created by such gatherings and the costs associated with responding to such gatherings.

COMMENT

This section on findings describes the reasons of the city council or county board of supervisors for enacting a social host liability ordinance. The findings are included in the city council's/county board of supervisors' enactment of the ordinance. When the ordinance is codified in a city or county's municipal code, the findings, in the discretion of the legislative body, may be excluded. On the other hand, findings such as Finding (i) should be included in the codified ordinance to clarify legislative intent with respect to other provisions of the ordinance.

Section 3. Purposes.

The purposes of this Ordinance are:

- (a) to protect public health, safety and general welfare;
- (b) to enforce laws prohibiting the service to and consumption of alcoholic beverages by underage persons, and
- (c) to reduce the costs of providing police, fire and other emergency response services to loud or unruly gatherings, by imposing a civil fee against social hosts and landowners (including landlords) for the recovery of costs associated with providing law enforcement, fire and other emergency response services to loud or unruly gatherings, including those where alcoholic beverages are served to or consumed by underage persons

COMMENT

Findings and purposes provide guidance to courts interpreting legislative intent and publicly explain the goals and objectives of a city council or county board of supervisors in enacting the ordinance. (*Metromedia, Inc. v. City of San Diego* (1980) 26 Cal.3d 848, 858.)

Section 4. Definitions.

For the purposes of this Ordinance, the following terms shall have the following meanings:

- (a) "Alcohol" means ethyl alcohol, hydrated oxide of ethyl, or spirits of wine, from whatever source or by whatever process produced.
- (b) "Alcoholic beverage" includes alcohol, spirits, liquor, wine, beer, and every 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 for beverage purposes either alone or when diluted, mixed, or combined with other substances
- (c) "Response costs" means the costs associated with responses by law enforcement, fire and other emergency response providers to loud or unruly gatherings, including but not limited to:
 - 1) salaries and benefits of law enforcement, fire or other emergency response personnel for the amount of time spent responding to, remaining at, or otherwise dealing with loud or unruly gatherings, and the administrative costs attributable to such response(s);

2) the cost of any medical treatment to or for any law enforcement, fire or other emergency response personnel injured responding to, remaining at or leaving the scene of a loud or unruly gathering;

3) the cost of repairing any [city/county] equipment or property damaged, and the cost of the use of any such equipment, in responding to, remaining at or leaving the scene of a loud or unruly gathering.

(d) "Juvenile" means any person under eighteen years of age.

(e) "Underage person" means any person under twenty-one years of age.

(f) "Loud or unruly gathering" means a party or gathering of two or more persons at or on a residence or other private property upon which loud or unruly conduct occurs. Such loud or unruly conduct includes but is not limited to:

- 1) excessive noise;
- 2) excessive traffic;
- 3) obstruction of public streets or crowds that have spilled into public streets;
- 4) public drunkenness or unlawful public consumption of alcohol or alcoholic beverages;
- 5) service to or consumption of alcohol or alcoholic beverages by any underage person, except as permitted by state law;
- 6) assaults, batteries, fights, domestic violence or other disturbances of the peace;
- 7) vandalism;
- 8) litter; and
- 9) any other conduct which constitutes a threat to public health, safety, quiet enjoyment of residential property or general welfare.

A loud or unruly gathering shall constitute a public nuisance.

(g) "Responsible person" means a person or persons with a right of possession in the residence or other private property on which a loud or unruly gathering is conducted, including, but not limited to:

- 1) an owner of the residence or other private property;

2) a tenant or lessee of the residence or other private property,

3) the landlord of another person responsible for the gathering;

4) the person(s) in charge of the residence or other private property, and

5) the person(s) who organizes, supervises, officiates, conducts or controls the gathering or any other person(s) accepting responsibility for such a gathering.

If a responsible person for the gathering is a juvenile, then the parents or guardians of that juvenile and the juvenile will be jointly and severally liable for the response costs incurred pursuant to this Ordinance. To incur liability for response costs imposed by this Ordinance, the responsible person for the loud or unruly gathering need not be present at such gathering resulting in the response giving rise to the imposition of response costs. This Ordinance therefore imposes vicarious as well as direct liability upon a responsible person

(h) "Residence or other private property" means a home, yard, apartment, condominium, hotel or motel room, or other dwelling unit, or a hall or meeting room, whether occupied on a temporary or permanent basis, whether occupied as a dwelling, party or other social function, and whether owned, leased, rented, or used with or without compensation.

COMMENT

Section 4 provides definitions for the other sections of the Ordinance. The definitions help clarify the rights and obligations of owners, tenants, and other persons in control of the property on which a loud or unruly party occurs. The definitions of "alcohol" and "alcoholic beverages" are identical to the relevant definitions in state statute (Cal. Bus. & Prof. Code, § 23003, 23004).

Section 5. Responsibility for Proper Property Management.

Every owner, occupant, lessee or holder of any possessory interest of a residence or other private property within the [City of ___/County of Ventura] is required to maintain, manage and supervise the property and all persons thereon in a manner so as not to violate the provisions of this Ordinance. The owner of the property remains liable for such violations regardless of any contract or agreement with any third party regarding the property.

COMMENT

Section 5 provides that a property owner is liable for violating the ordinance (if certain conditions are met, described later in the ordinance). Under this provision, the owner can be held liable even if he/she has leased the property and does not have day-to-day responsibility for the property's management.

[Note: At least one other jurisdiction outside California, the Town of Bloomsburg, Pennsylvania, not only has a recovery of response costs ordinance, but also has an ordinance requiring landlords to obtain a permit from the town before leasing rental properties to students.]

[This version of Section 6 is for Cities only:]

Section 6. Penalties for Violation of Ordinance.

(a) It shall be an infraction for any responsible person to [knowingly] conduct, aid, allow, permit or condone a loud or unruly gathering at a residence or other private property.

(b) Fines.

1) A first violation of this Section shall be punishable by a \$250 fine.

2) A second violation of this Section at the same residence or other private property, or by the same responsible person, within a twelve month period shall be punishable by a fine of \$500.

3) A third or subsequent violation of this Section at the same residence or other private property, or by the same responsible person, within a twelve month period shall be punishable by a fine of \$1,000.

(c) The fines prescribed at subsection (b) are in addition to any response costs that may be assessed pursuant to this Ordinance.

(d) The second, third or subsequent violation fines prescribed at subsections (b)(2) and (b)(3) are payable whether or not the responsible person for such loud or unruly gathering is different from the responsible person for any prior loud or unruly gathering at the residence or other private property.

(e) The fine schedule prescribed at subsection (b) is a "rolling schedule" meaning that in calculating the fine payable the [Police Department or City Attorney shall count backward starting from the date of the most recent loud or unruly gathering to determine how many prior loud or unruly gatherings have taken place

at the residence or other private property in question during the statutory twelve month period. A warning given pursuant to this Ordinance shall remain in effect for the residence or other private property at a given address until a full twelve month period has elapsed during which there have been no response to a loud or unruly gathering at that residence or other private property.

(f) The fines set forth in this Section may be appealed pursuant to Section 10. The payment of any such fines shall be stayed upon any timely appeal.

COMMENT

This version of *Section 6* should be included in city ordinances only. This section makes a violation of its terms an infraction. Infractions are crimes and public offenses. They are not punishable by imprisonment, however, and a person charged with an infraction is not entitled to a jury trial or to counsel appointed at public expense.

Even though the fines under this section would be prosecuted as criminal infractions, the prosecution would not have to prove criminal intent, that is, that the responsible person knew or should have known that he or she allowed a loud or unruly gathering. A violation of *Section 7* should be deemed a strict liability infraction. Accordingly, if the legislative body chooses to make violation of this section a strict liability infraction, the word “knowingly,” appearing in brackets, would be omitted. In addition, Finding (i) in *Section 2* would have to be included in the codified version of the ordinance to make clear that the legislative intent is to protect the public health, safety and welfare rather than to punish and that the ordinance imposes strict liability on property owners and other responsible persons for the nuisances created by underage drinking gatherings.

Some legislators may feel uncomfortable with an ordinance that does not require the prosecution to prove knowledge beyond a reasonable doubt under this section, particularly where the defendant is an absentee landlord or other property owner who was unaware of loud and unruly gatherings occurring on his/her property. In such case, the word “knowingly” could be included to require the prosecution to prove beyond a reasonable doubt, that the responsible person knew or should have known about the loud or unruly gatherings on his/her property.

In any event, imposition of response costs pursuant to *Section 7* (see below) a fee imposed separate and apart from the fines and penalties imposed here under *Section 6*, would not require proof of criminal intent, that is, no proof of knowledge, since the recovery of response costs is

a strictly civil matter.

It should be noted that court proceedings of infractions are not lengthy; the matter may be resolved within a short number of months.

[This version of *Section 6* is for the County Only:]
Section 6. Penalties for Violation of Ordinance.

It is a violation of this Ordinance for any responsible person to conduct or allow a loud or unruly gathering at a residence or other private property. Such a violation subjects the responsible person to the fines and penalties set forth in Section 13112 of Division 13, *Abatement of Nuisances*, of the Codified Ordinances of the County of Ventura.

COMMENT

The county of Ventura has an enforcement scheme to abate public nuisances set forth in Division 13, *Abatement of Nuisances*, of the Codified Ordinances of the County of Ventura. Applying the administrative fines and penalties provisions of Section 13112 permits the county to impose administrative fines and penalties against responsible persons as a strict liability public nuisance offense, rather than as a criminal offense requiring proof of criminal intent (knowledge) beyond a reasonable doubt.

The fine under Division 13 initially is smaller than those infraction fines set forth in this model ordinance for cities. This is because the administrative fines under Division 13 are limited in amount by Government Code section 53069.4, which is incorporated by reference in Division 13.

Note: If this ordinance were enacted, additional changes to the rest of the county ordinance would be necessary, such as an expansion of the definition of “Enforcement Officer” in section 13050(b) of Division 13, to include emergency response providers.

Section 7. Recovery of Response Costs.

When law enforcement, fire or other emergency response provider responds to a loud or unruly gathering at a residence or other private property within the [City of ___/County of Ventura] within a twelve month period of a warning given to a responsible person for a loud or unruly gathering, all responsible persons shall be jointly and severally liable for the [city’s/county’s] costs of providing response costs for that response and all subsequent responses during the warning period.

When a law enforcement, fire or other emergency response

provider official makes an initial response to a loud or unruly gathering at a residence or other private property within the [City of ___/County of Ventura], the official shall inform any responsible person(s) for the gathering at the scene that:

- (a) The official has determined that a loud or unruly gathering exists; and
- (b) Responsible person(s) will be charged for any response costs required for subsequent responses to the scene for a loud or unruly gathering within a twelve month period.

Only one warning will be given to a responsible person(s) pursuant to this Section before the [City of ___/County of Ventura] assesses response services costs pursuant to *Section 7*. If a responsible person cannot be identified at the scene, the official may issue a warning to one or more persons identified in *Section (4)(g)* and/or subsequently return to the residence or other private property and issue the warning to a then-present responsible person. Warnings given to responsible persons who do not reside at the residence or other private property in question shall be delivered by first-class [and/or] certified mail.

COMMENT

The model ordinance sets forth a multi-tiered enforcement mechanism against responsible persons. With respect to cities at the first tier of enforcement, that is, at the first response stage, the responsible person would be held liable for a fine of \$250 for a first time infraction pursuant to *Section 6*. With respect to the county, the responsible person would be held liable for a fine of \$100 pursuant to the fines and penalties set forth in *Section 13112 of Division 13, Abatement of Nuisances, of the Codified Ordinances of the County of Ventura*. At the first tier of enforcement, the responsible person would not be liable for recovery of response costs.

With respect to cities and the county at the second tier of enforcement, that is, when emergency response providers are required to make a follow-up call to either the same gathering or another gathering within 12 months at the same location, the responsible person would be held liable for an increased fine and, in addition, for response costs. For a third or subsequent response to either the same gathering or another gathering within 12 months at the same location, the responsible person would be held liable for an even larger fine, as well as for additional response costs.

Section 7 sets forth the conditions under which a responsible person shall be held liable for the recovery of response costs. This occurs when (1) an emergency

response provider conducts a first response to the residence or other private property and determines that a loud or unruly gathering exists; (2) the emergency response provider gives a first warning to the responsible person; and (3) an emergency response provider conducts a subsequent response and either the loud or unruly gathering has not abated or another loud or unruly gathering is occurring at the residence or other private property.

An emergency response provider's determination that a loud or unruly gathering exists includes, but is not limited to, evidence that an underage drinking gathering is or was underway, in the form of the responding provider's personal knowledge or eyewitness accounts of third parties. Such evidence could include evidence of: underage persons fleeing the host's residence, presence of used or unused kegs, bottles, and cans, vehicles on the property not belonging to the host, complaints from neighbors, and property damage.

Legislative bodies should determine whether twelve months gives law enforcement sufficient time to enforce this Ordinance, especially against repeat offenders.

Recovery of response costs is a civil matter. Therefore, response costs recovery are imposed as a strict liability public nuisance offense, rather than as a criminal offense requiring proof of criminal intent (knowledge) beyond a reasonable doubt.

Section 8. Billing and Collection.

The amount of response costs shall be deemed a debt owed to the local entity by the responsible person held liable in *Section 7* for the loud or unruly gathering and, if a juvenile, by the juvenile's parents or guardians. Any person owing such costs shall be liable in a civil action brought in the name of the city for recovery for such fees, including reasonable attorney fees.

Notice of the costs for which the responsible person is liable shall be mailed via first-class [and/or] certified mail within 14 days of the response giving rise to such costs. The notice shall contain the following information:

- (a) the name of the person(s) being held liable for the payment of such costs;
- (b) the address of the residence or other private property where the loud or unruly gathering occurred;
- (c) the date and time of the response;
- (d) the law enforcement, fire or emergency service

provider who responded;

(e) the date and time of any previous warning given pursuant to *Section 7* and/or previous responses to loud or unruly gatherings at the residence or other private property in question within the previous twelve months; and

(f) an itemized list of the response costs for which the person(s) is being held liable.

The responsible person must remit payment of the noticed response costs to the [City Clerk/City Manager/Billings and Collections Division of the City of ___/County of Ventura] within thirty days of the date of the notice. The payment of any such costs shall be stayed upon a timely appeal made pursuant to *Section 10*.

COMMENT

The billing mechanism that should be applied depends in part on the billing system already in place in the specific jurisdiction. Most jurisdictions have in place ordinances that set forth the procedures for administrative billing and fines. Reference should be made to those procedures, and the ordinances that provide for them, in *Section 8* when this model ordinance is tailored to a specific jurisdiction. If such procedures do not exist in the jurisdiction, such procedures should be included in *Section 8*.

Section 9. Reservation of Legal Options.

Nothing in this Ordinance shall be construed as a waiver by the [City of ___/County of Ventura] of any right to seek reimbursement for actual costs of response services through other legal remedies or procedures, including [for County ordinance only. Loud or Raucous Nighttime Noise in Residential Zones, Article 11 of Chapter 2, Division 6 of the Ventura County Ordinance Code]. The procedure provided for in this Ordinance is in addition to any other statute, ordinance or law, civil or criminal. This Ordinance in no way limits the authority of peace officers or private citizens to make arrests for any criminal offense arising out of conduct regulated by this Ordinance.

COMMENT

Section 9 provides that the [City of ___/County of Ventura] does not waive its rights to seek reimbursement through other available legal means and that the ordinance does not restrict law enforcement in making arrests for any criminal offenses arising from the underage drinking event. With respect to the former, this provision ensures that a city or county would not be precluded from bringing an action for

public nuisance based on the same set of facts giving rise to a violation of the underage party ordinance.

Section 10. Appeals.

Any person upon whom is imposed a fine/penalty pursuant to *Section 6* and/or response costs recovery fees pursuant to *Sections 7* and *8* shall have the right to appeal the imposition of such fine/penalty or fees to the local jurisdiction pursuant to the procedures established by the local jurisdiction for appealing the abatement of public nuisances.

COMMENT

Due process arguably requires some administrative appeal procedure for both the imposition of fines/penalties and response costs. As with *Section 8*, regarding Billing and Collection, the appeal section should reference the existing administrative appeal process in the particular jurisdiction. For example, in the County of Ventura, reference should be made here to 13102, *Hearing on proposed abatement and imposition of administrative fines/penalties*, of the Codified Ordinances of the County of Ventura. If no appeal process exists in the jurisdiction, the procedures for such a process and hearing should be set forth in *Section 10*.

Section 11. Severability.

If any provisions of this Ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this Ordinance that can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are severable.

Section 12. Effective Date.

This Ordinance shall take effect on ____.

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Appendix

RELEVANT CALIFORNIA STATE STATUTES (AS OF SEPTEMBER 1, 2005)

CALIFORNIA BUSINESS AND PROFESSIONS CODE SECTION 25658

25658. Providing alcoholic beverages to persons under the age of 21; prohibition; criminal punishment; law enforcement decoys; additional punishment

(a) Except as otherwise provided in subdivision (c), every person who sells, furnishes, gives, or causes to be sold, furnished, or given away, any alcoholic beverage to any person under the age of 21 years is guilty of a misdemeanor.

(b) Any person under the age of 21 years who purchases any alcoholic beverage, or any person under the age of 21 years who consumes any alcoholic beverage in any on-sale premises, is guilty of a misdemeanor.

(c) Any person who violates subdivision (a) by purchasing any alcoholic beverage for, or furnishing, giving, or giving away any alcoholic beverage to, a person under the age of 21 years, and the person under the age of 21 years thereafter consumes the alcohol and thereby proximately causes great bodily injury or death to himself, herself, or any other person, is guilty of a misdemeanor.

(d) Any on-sale licensee who knowingly permits a person under the age of 21 years to consume any alcoholic beverage in the on-sale premises, whether or not the licensee has knowledge that the person is under the age of 21 years, is guilty of a misdemeanor.

(e)(1) Except as otherwise provided in paragraph (2) or (3), any person who violates this section shall be punished by a fine of two hundred fifty dollars (\$250), no part of which shall be suspended, or the person shall be required to perform not less than 24 hours or more than 32 hours of community service during hours when the person is not employed and is not attending school, or a combination of fine and community service as determined by the court. A second or subsequent violation of subdivision (b) shall be punished by a fine of not more than five hundred dollars (\$500), or the person shall be required to perform not less than 36 hours or more than 48 hours of community service during hours when the person is not employed and is not attending school, or a combination of fine and community service as determined by the court. It is the intent of the Legislature that the community service requirements prescribed in this section require service at an alcohol or drug treatment program or facility or at a county coroner's office, if available, in the area where the violation occurred or where the person resides.

(2) Except as provided in paragraph (3), any person who violates subdivision (a) by furnishing an alcoholic beverage, or causing an alcoholic beverage to be furnished, to a minor shall be punished by a fine of one thousand dollars (\$1,000), no part of which shall be suspended, and the person shall be required to perform not less than 24 hours of community service during hours when the person is not employed and is not attending school.

(3) Any person who violates subdivision (c) shall be punished by imprisonment in a county jail for a minimum term of six months not to exceed one year, by a fine not exceeding one thousand dollars (\$1,000), or by both imprisonment and fine.

(f) Persons under the age of 21 years may be used by peace officers in the enforcement of this section to apprehend licensees, or employees or agents of licensees, who sell alcoholic beverages to minors. Notwithstanding subdivision (b), any person under the age of 21 years who purchases or attempts to purchase any alcoholic beverage while under the direction of a peace officer is immune from prosecution for that purchase or attempt to purchase an alcoholic beverage. Guidelines with respect to the use of persons under the age of 21 years as decoys shall be adopted and published by the department in accordance with the rulemaking portion of the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code). Law enforcement-initiated minor decoy programs in operation prior to the effective date of regulatory guidelines adopted by the department shall be authorized as long as the minor decoy displays to the seller of alcoholic beverages the appearance of a person under the age of 21 years. This subdivision shall not be construed to prevent the department from taking disciplinary action against a licensee who sells alcoholic beverages to a minor decoy prior to the department's final adoption of regulatory guidelines. After the completion of every minor decoy program performed under this subdivision, the law enforcement agency using the decoy shall notify licensees within 72 hours of the results of the program. When the use of a minor decoy results in the issuance of a citation, the notification required shall be given within 72 hours of the issuance of the citation. A law enforcement agency may comply with this requirement by leaving a written notice at the licensed

premises addressed to the licensee, or by mailing a notice addressed to the licensee.

(g) The penalties imposed by this section do not preclude prosecution under any other provision of law, including, but not limited to, Section 272 of the Penal Code.

CALIFORNIA BUSINESS AND PROFESSIONS CODE SECTION 25662

25662. Possession of beverage by minor; authorization of peace officers to seize beverages; disposition of seized beverages

(a) Any person under the age of 21 years who has any alcoholic beverage in his or her possession on any street or highway or in any public place or in any place open to the public is guilty of a misdemeanor and shall be punished by a fine of two hundred fifty dollars (\$250) or the person shall be required to perform not less than 24 hours or more than 32 hours of community service during hours when the person is not employed or is not attending school. A second or subsequent violation shall be punishable as a misdemeanor and the person shall be fined not more than five hundred dollars (\$500), or required to perform not less than 36 hours or more than 48 hours of community service during hours when the person is not employed or is not attending school, or a combination of fine and community service as the court deems just. It is the intent of the Legislature that the community service requirements prescribed in this section require service at an alcohol or drug treatment program or facility or at a county coroner's office, if available, in the area where the violation occurred or where the person resides. This section does not apply to possession by a person under the age of 21 years making a delivery of an alcoholic beverage in pursuance of the order of his or her parent, responsible adult relative, or any other adult designated by the parent or legal guardian, or in pursuance of his or her employment. That person shall have a complete defense if he or she was following, in a timely manner, the reasonable instructions of his or her parent, legal guardian, responsible adult relative, or adult designee relating to disposition of the alcoholic beverage.

(b) Unless otherwise provided by law, where a peace officer has lawfully entered the premises, the peace officer may seize any alcoholic beverage in plain view that is in the possession of, or provided to, a person under the age of 21 years at social gatherings, when those gatherings are open to the public, 10 or more persons under the age of 21 years are participating, persons under the age of 21 years are consuming alcoholic beverages, and there is no supervision of the social gathering by a parent or guardian of one or more of the participants.

Where a peace officer has seized alcoholic beverages pursuant to this subdivision, the officer may destroy any alcoholic beverage contained in an opened container and in the possession of, or provided to, a person under the age of 21 years, and, with respect to alcoholic beverages in unopened containers, the officer shall impound those beverages for a period not to exceed seven working days pending a request for the release of those beverages by a person 21 years of age or older who is the lawful owner or resident of the property upon which the alcoholic beverages were seized. If no one requests release of the seized alcoholic beverages within that period, those beverages may be destroyed.

SAMPLE CALIFORNIA ORDINANCES (AS OF SEPTEMBER 1, 2005)

CITY OF BERKELEY

CHAPTER 13.48 CIVIL PENALTIES FOR MULTIPLE RESPONSES TO LOUD OR UNRULY PARTIES, GATHERINGS OR OTHER SIMILAR EVENTS

Section 13.48.010 Findings and purpose.

This chapter is enacted for the following public purposes among others:

A. Due to inadequate supervision, some large gatherings of people, such as parties, frequently become loud and unruly to the point that they constitute a threat to the peace, health, safety, or general welfare of the public as a result of conduct such as one or more of the following: excessive noise, excessive traffic, obstruction of public streets or crowds who have spilled over into public streets, public drunkenness, the service of alcohol to minors, fights, disturbances of the peace, and litter.

B. The City of Berkeley (hereafter "City") is required to make multiple responses to such unruly gatherings in order to restore and maintain the peace and protect public safety. Such gatherings are a burden on scarce City resources and can result in police responses to regular and emergency calls being delayed and police protection to the rest of the City being reduced.

C. In order to discourage the occurrence of repeated loud and unruly gatherings, the persons responsible for the public nuisance created by these gatherings should be fined. (Ord. 6182-NS § 1, 1993)

Section 13.48.020 Loud or unruly gatherings--Public nuisance.

It shall be unlawful and a public nuisance to conduct a gathering of ten or more persons on any private property in a manner which constitutes a substantial disturbance of the quiet enjoyment of private or public property in a significant segment of a neighborhood, as a result of conduct constituting a violation of law. Illustrative of such unlawful conduct is excessive noise or traffic, obstruction of public streets by crowds or vehicles, public drunkenness, the service of alcohol to minors, fights, disturbances of the peace, litter. A gathering constituting a public nuisance may be abated by the City by all reasonable means including, but not limited to, an order requiring the gathering to be disbanded and citation and/or arrest of any law violators under any applicable local laws and state statutes such as: Berkeley Municipal Code ("BMC") Chapter 13.40 et seq. (Community Noise), BMC Chapter 13.36 et seq. (Disorderly Conduct/Obstruction of Public Way), Penal Code Sections 415 and 416 (Breach of the Peace), BMC Chapter 12.40 et seq. and Penal Code Section 374 et seq. (Litter); Penal Code Section 647 (Public Intoxication/Obstruction of Public Way), Bus. & Prof. Code Section 25658 (Selling Alcohol to Minors), Vehicle Code Section 23224 (Possession of alcoholic beverage in vehicle, persons under 21), BMC Chapter 13.68 et seq. (Carrying Dangerous Weapons), Penal Code Section 12020 et seq. (Unlawful Carrying and Possession of Concealed Weapons) (Ord. 6182-NS § 2, 1993)

Section 13.48.030 Notice of unruly gathering--Posting, mail.

A. Posting of Premises. When the City intervenes at a gathering which constitutes a nuisance under this chapter, the premises at which such nuisance occurred shall be posted with a notice substantially in the form attached hereto as Exhibit "A"* stating that the intervention of the City has been necessitated as a result of a public nuisance under this chapter caused by an event at the premises, the date of the police intervention, and that any subsequent event within a sixty-day period therefrom on the same premises, which necessitates City intervention, shall result in the joint and several liability of any guests causing the public nuisance, or any persons who own or are residents of the property at which the public nuisance occurred, or who sponsored the event constituting the public nuisance as more fully set forth in Sections 13.48.040--13.48.060 below. The residents of such property shall be responsible for ensuring that such notice is not removed or defaced and shall be liable for a civil penalty of one hundred dollars in addition to any other penalties which may be due under this section if such notice is removed or defaced, provided, however, that the residents of the house of sponsor of the event, if present, shall be consulted as to the location in which such notice is posted in order to achieve both the security of the notice and its prominent display.

B Mailing of Notice to Property Owner Notice of the event shall also be mailed to any property owner at the address shown on the City's property tax assessment records and shall advise the property owner that any subsequent event within sixty days on the same premises necessitating City intervention shall result in liability of the property owner for all penalties associated with such intervention as more particularly set forth below (Ord 6182-NS § 3, 1993)

* Exhibit A, referred to herein, may be found at the end of this Chapter 13 48

Section 13.48.030A Exhibit A.

EXHIBIT A

(Section 13.48 030A)

IMPORTANT NOTICE REGARDING

PUBLIC NUISANCE

PURSUANT TO ORDINANCE NO. _____ -N S., AS A RESULT OF A PRIOR DISTURBANCE AT PREMISES,
THE NEXT DISTURBANCE WILL RESULT IN CIVIL PENALTIES IMPOSED UPON ALL PARTICIPANTS AND
SPONSORS OF THE EVENT, AND ALL PROPERTY OWNERS OF THE PREMISES

NOTICE IS HEREBY GIVEN THAT, pursuant to Ordinance No. _____ -NS. on _____, 199____, at _____ a m /
p.m., the Berkeley Police Department found that a public nuisance caused by a disturbance of the public peace and/or
threat to public safety occurred at the premises located at _____

_____. If there is a subsequent event on these premises which constitutes such a public nuisance and
necessitates the intervention of the Police Department on or before _____, (count 60 days from the date of first police
intervention) every participant in and sponsor of such event, and the owner of the premises, shall be jointly and severally
liable for the civil penalties connected with this response as set forth in Ordinance No _____ -N S

(Signature of Officer issuing notice)

(Name of Officer)

(Title of Officer) (Phone Number)

199____;

Date issued Case Number

Section 13.48.040 Persons liable for a subsequent response to a gathering constituting a public nuisance.

If the City is required to respond to a gathering constituting a public nuisance on the same premises more than once in any sixty-day period, the following persons shall be jointly and severally liable for civil penalties as set forth in Sections 13.48.050 below, in addition to liability for any injuries to City personnel or damage to City property.

A. The person or persons who own the property where the gathering constituting a public nuisance took place, provided that notice has been mailed to the owner of the property as set forth herein and the gathering occurs at least two weeks after the mailing of such notice. For purposes of this subsection, where a gathering takes place within the confines of a single unit in a building owned by a housing cooperative, the owner of the property shall be deemed to be the owner of the single unit and not the members of the housing cooperative in general. Where the gathering took place in the common area of a building owned by a housing cooperative, only the members of the cooperative owning units in the building where the gathering took place shall be deemed the owners of the property for purposes of this subsection. Other members of the housing cooperative may still be liable if they fall within the categories of person made liable by Section 13 48 040, subsections B., C., or D., below.

B. The person or persons residing on or otherwise in control of the property where such gathering took place.

C. The person or persons who organized or sponsored such gathering.

D. All persons attending such gathering who engaged in any activity resulting in the public nuisance.

E. Nothing in this section shall be construed to impose liability on the resident or owners of the premises or sponsor of the gathering, for the conduct of persons who are present without the express or implied consent of the resident or sponsor, as long as the resident and sponsor have taken all steps reasonably necessary to exclude such uninvited participants from the premises. Where an invited guest engages in conduct which the sponsor or resident could not reasonably foresee and the conduct is an isolated instance of a guest at the event violating the law which the sponsor is unable to reasonably control without the intervention of the police, the unlawful conduct of the individual guest shall not be attributable to the sponsor or resident for the purposes of determining whether the event constitutes a public nuisance under this section. (Ord. 6182-NS § 4, 1993)

Section 13.48.050 Schedule of civil penalties.

A. Civil penalties shall be assessed against all persons liable for the City's intervention to abate a gathering constituting a public nuisance as follows

1. For the second response in any sixty day period the penalty shall be the total sum of five hundred dollars.
2. For the third response in any sixty day period the penalty shall be the total sum of one thousand dollars
3. For any further response in any sixty day period the penalty shall be the total sum of one thousand five hundred dollars for each such further response
4. The penalties that are provided herein shall be in addition to any other penalties imposed by law for particular violations of law committed during the course of an event which is a public nuisance under this ordinance, provided however, that if the only violation of law which constituted the public nuisance under this chapter is excessive noise, the remedies provided under this chapter shall be exclusive of any other remedies provided by law to the City for such excessive noise.

B. The City shall bill all persons liable for the penalties by mail by sending a letter in substantially the form attached hereto as Exhibit "B".* Payment of the penalties shall be due within thirty days of the date the bill is deposited in the mail. If full payment is not received within the required time for payment, the bill will be delinquent, and all persons liable for the 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 one hundred dollars. (Ord. 6182-NS § 5, 1993)

* Exhibit B, referred to herein, may be found at the end of this Chapter 13 48

Section 13.48.050B Exhibit B.

EXHIBIT B

(Section 13.48.050B)

Date

To:

Dear:

The City of Berkeley was required to abate the public nuisance caused by a gathering of ten or more persons at (location of property) _____, which substantially disrupted the quiet enjoyment of property in a significant segment of the adjacent neighborhood. This is the (second/third/fourth, etc.) such public nuisance at this property within the last sixty (60) days and thus a penalty of _____ \$550.00, \$1,000.00, etc.) is imposed on you. If you fail to remit this fine to the City of Berkeley by _____ (30 days later) you will be liable for an additional \$100.00 penalty, plus interest. The payment should be remitted to the address listed below.

Your liability is based on the fact that you were:

☐ An owner of the property to whom was sent prior notice of a public nuisance at the property within the previous 60 days; and/or

☐ A person who resides on or is otherwise in control of the property where the public nuisance took place; and/or

☐ A person who organized or sponsored the event creating the public nuisance at such property; and/or

☐ A person who attended the event constituting the public nuisance at such property and engaged in the conduct which resulted in the public nuisance.

If you believe that you are not liable you may defend this claim in the civil action which the City of Berkeley will file against you upon your failure to remit the penalty. You should be aware, however, that if you fail to prevail in that action you will be liable for the additional penalty of \$100/- and interest on the total penalties.

Sincerely yours,

(Name, title, address and phone number of signatory)

Section 13.48.060 Collection of delinquent costs for a subsequent City response.

A. The penalties assessed as a result of a subsequent City response to a loud or unruly gathering shall constitute a debt of all persons liable for the penalties in favor of the City and may be collected in any manner authorized by law and are recoverable in a civil action filed by the City in a court of competent jurisdiction. The remedies provided by this chapter are in addition to all other civil and criminal remedies available to the City with respect to the unlawful conduct constituting the public nuisance which gave rise to the need for the City response under this chapter.

B. The City of Berkeley may also collect the fees assessed against the owner of the property as provided in Ordinance No. 6156-N.S., The Recovery of Costs for Abatement of Nuisances Ordinance (BMC Chapter 1.25). (Ord. 6182-NS § 6, 1993)

Section 13.48.070 Nondiscrimination against students.

This chapter shall not be enforced in a manner which targets property housing students. Nothing in this section shall preclude the City from setting priorities in the use of its resources by enforcing this chapter against the events that are the most disruptive or against properties at which disruptive events are held most often or on the basis of other similar legitimate factors. (Ord. 6182-NS § 7, 1993)

CITY OF SANTA CRUZ

Chapter 9.37 CHARGES FOR SPECIAL SECURITY SERVICES AT LOUD OR UNRULY GATHERINGS

9.37.010 DEFINITIONS.

The following terms used in this chapter shall have the meanings set forth in this section.

(a) "Responsible person(s)" shall mean a person(s) with a right of possession in the property on which a loud or unruly gathering is conducted, including, but not limited to, an owner or tenant of the property if the gathering is on

private property, or a permittee if the gathering is a permitted gathering on public property, or any person(s) accepting responsibility for such a gathering "Responsible person" shall additionally include the landlord of another responsible person and the parents and/or legal guardians of responsible persons under the age of 21 years. To incur liability for special security service charges imposed by this chapter the responsible person need not be present at the loud or unruly gathering resulting in the emergency response giving rise to the imposition of special security service charges. This chapter therefore imposes vicarious as well as direct liability upon responsible persons.

(b) "Special security services" shall mean the provision of any police, fire or other emergency response service to a loud or unruly gathering within twelve months of a first response as provided in this chapter.

(c) "Loud or unruly gathering" shall mean a gathering of two or more persons on private property or a permitted gathering of two or more persons on public property whose loud or unruly conduct constitutes a threat to public health, safety, quiet enjoyment of residential property or general welfare, including violations of Chapter 9.36. This term excludes incidents of domestic violence. A loud or unruly gathering shall constitute a public nuisance.

(Ord. 2005-20 § 1, 2005: Ord. 89-03 § 1, 1989).

9.37.020 RESPONSE TO LOUD OR UNRULY GATHERINGS.

When a police officer responds to a first loud or unruly gathering at premises in the city with a given address, the officer shall inform any responsible person at the scene that:

(a) The officer has determined that a loud or unruly gathering exists; and

(b) Responsible persons will be charged for the cost of any special security services required for subsequent responses to the scene within the next twelve months.

Only one warning will be given pursuant to this section before the city assesses special security service costs pursuant to Section 9.37.030. If a responsible person cannot be identified at the scene, the police department may issue a warning to one of the other responsible persons identified in Section 9.37.010(a) or subsequently return to the scene and issue the warning to a then-present responsible person. Warnings given to responsible persons who do not reside at the premises in question shall be delivered by certified mail.

(Ord. 2005-20 § 2, 2005: Ord. 89-03 § 1, 1989).

9.37.030 COST RECOVERY FOR SPECIAL SECURITY SERVICES.

When the police department or fire department or other city emergency responder responds to a loud or unruly gathering at premises with a given address in the city within twelve months of a warning given to a responsible person for those premises pursuant to Section 9.37.020, or while any such warning remains in effect pursuant to Section 9.37.050, all responsible persons shall be jointly and severally liable for the city's costs of providing special security service for that response and all subsequent responses during that warning period.

(Ord. 2005-20 § 3, 2005: Ord. 89-03 § 1, 1989).

9.37.040 BILLING AND COLLECTION.

Charges for special security service shall include a reasonable charge for the emergency responder's time and actual costs of any equipment used or damaged in connection with the response, together with an additional thirty-three percent of the special security charge for administrative overhead. These charges shall be computed and a bill submitted to the responsible person(s). The chief of police shall promulgate notice and billing procedures for this purpose. The bill shall be a debt owed to the city and failure to pay that bill within thirty days is a violation of this code. If the city is obliged to initiate litigation or other proceedings authorized by Title 4 of this code to recover this debt, the responsible person shall be liable for:

(a) Costs of suit;

(b) Attorney's fees, and

(c) Costs of collection.

(Ord. 2005-20 § 4, 2005: Ord. 89-03 § 1, 1989).

9.37.050 VIOLATIONS/FINES.

(a) It shall be an infraction for a responsible person to conduct or allow a loud or unruly gathering on premises owned

by the responsible person or on premises rented by or to the responsible person. A third or subsequent violation within a twelve-month period shall constitute a misdemeanor.

(b) Fines.

(1) A first violation of this Section shall be punishable by a \$250 fine

(2) A second violation of this section at a given address in the city within a given twelve-month period shall be punishable by a fine of \$500.

(3) A third or subsequent violation of this section at a given address in the city within a given twelve-month period shall be punishable by a fine of \$1,000.

(c) The fines prescribed at subsection (b) are in addition to any special security service charges that may be assessed pursuant to this chapter.

(d) The second, third or subsequent violation fines prescribed at subsections (b)(2) and (b)(3) are payable whether or not the responsible person at the time of the current loud or unruly gathering is the same person who was the responsible person for any prior loud or unruly gathering at those premises.

(e) The fine schedule prescribed at subsection (b) is a "rolling schedule" meaning that in calculating the fine payable the police department or city attorney shall count backward starting from the date of the most recent loud or unruly gathering to determine how many prior loud or unruly gatherings have taken place at the premises in question during the statutory twelve month period. A warning given pursuant to Section 9.27.020 shall remain in effect for the premises at a given address until a full twelve-month period has elapsed during which there have been no loud or unruly gatherings at those premises.

(Ord. 2005-20 § 5, 2005).

9.37.060 SERVICE OF ALCOHOLIC BEVERAGES TO MINORS.

The city council hereby finds that the service of alcohol to minors at loud and unruly gatherings and the consumption of alcohol by minors at loud or unruly gatherings has in the past and continues to pose a threat to the health and safety of all persons who reside in the city and also causes significant disruption of city residents' quiet enjoyment of their households, especially in the city's residential neighborhoods. In addition, such conduct on behalf of persons who serve alcohol to minors and minors who consume alcohol at loud or unruly gatherings results in the expenditure of a disproportionate percentage of the city's police, fire and public safety resources which are underwritten primarily by general municipal taxes paid to the city by its taxpayers and residents. It is therefore the policy of the city council that in responding to loud or unruly gatherings, the city police department shall strictly enforce any and all applicable state laws pertaining to the service of alcohol to minors, and the consumption of alcohol by minors, and with respect to minors in possession of alcohol, the police department shall establish a "no tolerance" protocol by which the police department contacts, or causes the minor's school to contact, the minor's parents or legal guardians whenever the minor is found to be in possession of alcohol or narcotics or found to be intoxicated at a loud or unruly gathering. Where the minor's school has an internal student disciplinary office any such incident shall likewise be reported to that office.

(Ord. 2005-20 § 6, 2005).

CITY OF SANTA ROSA

Chapter 10-28 MINOR ALCOHOL OFFENSE/LOUD PARTIES

10-28.010 Title.

The title of this chapter shall be "Minor Alcohol Offense/Loud Parties." (Ord. 2999 § 1 (part), 1992)

10-28.020 Definitions.

For the purpose of this chapter, the following definitions shall apply:

(A) "Juvenile" means any minor child under the age of 18 years old.

(B) "Minor" means any person, under the age of 21 years old.

(C) "Party, gathering or event" means a group of persons who have assembled or are assembling for a social occasion or a social activity.

(D) "Person responsible for the event" means and includes, but is not limited to:

(1) The person who owns, rents, leases or otherwise has control of the premises where the party, gathering or event takes place;

- (2) The person in charge of the premises;
- (3) The person who organized the event.

If the person responsible for the event is a juvenile, then the parents or guardians of that juvenile and the juvenile will be jointly and severally liable for the costs incurred for police services pursuant to this chapter.

(E) "Police services" means and includes the salaries and benefits of the Police Officers for the amount of time actually spent in responding to, or in remaining at, the party, gathering or event and the administrative costs attributable to the incident, the actual costs of any medical treatment to injured Officers, the cost of repairing any damaged City equipment or property; and the costs arising from the use of any City equipment in responding to or remaining at a party, gathering or event. (Ord. 2999 § 1 (part), 1992)

10-28.030 Unlawful gatherings on private property when alcohol is served to minors.

Except as permitted by Article I, Section 4, of the California Constitution, no person shall suffer, permit, allow or host a party, gathering or event at his or her place of residence or other private property, place or premises under his or her control where five or more persons under the age of 21 are present and alcoholic beverages are in the possession of, or are being consumed by, any person under the age of 21 years (Ord. 2999 § 1 (part), 1992)

10-28.040 Police services at parties, gatherings or events requiring a second response.

When any party, gathering or event occurs on private property and a police officer at the scene determines that there is a threat to the public peace, health, safety or general welfare, the person(s) responsible for the event will be held liable for the cost of providing police services during a second or follow-up response by the police, after a first warning to the person(s) responsible for the event to control the threat to the public peace, health, safety or general welfare (Ord. 2999 § 1 (part), 1992)

10-28.050 Unsupervised possession of alcohol unlawful.

Except as permitted by state law, no person under the age of 21 years shall have in his or her possession, or consume, any alcoholic beverage at any place not open to the public, unless that person is being supervised by his or her parent or legal guardian (Ord. 2999 § 1 (part), 1992)

10-28.060 Police service fees.

The amount of police service fees shall be deemed a debt owed to the City by the person responsible for the event and, if juveniles, their parents or guardians. Any person owing such fees shall be liable in an action brought in the name of the City for recovery for such fees, including reasonable attorney fees (Ord. 2999 § 1 (part), 1992)

Useful Websites

Alcohol Policy Information System. Hosting Underage Drinking Parties: Criminal Liability.

http://alcoholpolicy.niaaa.nih.gov/index.asp?SEC={8BECDA97-22E1-4D4F-9CAAF70CA490CE27}&Type=BAS_APIIS.

Connecticut Coalition to Stop Underage Drinking. Changing Policy: Ordinance Against Underage Drinking. http://www.preventionworksct.org/ctcoal_chgpol/ctcoal_ordinance.html

Accessed 9/1/05.

San Diego County Policy Panel on Youth Access to Alcohol. The San Diego County Social Host Movement: A Case Study.

<http://www.alcoholpolicypanel.org/PDF/Social%20Access%20Case%20Study%202004.pdf>

Accessed 9/1/05



VENTURA COUNTY LIMITS

A Community Partnership for Responsible Alcohol Policies & Practices

Ventura County Behavioral Health Department
300 North Hillmont Avenue, Ventura, California 93003

www.venturacountylimits.org

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9.23.010 Authority and purpose.

This chapter is enacted pursuant to the authority of Government Code Sections 38771 through 38773.5 and pursuant to the police powers of the city. The purpose of this chapter is to identify activity which constitutes a public nuisance, to provide for the summary abatement of such a nuisance at the expense of persons creating, causing, committing or maintaining it, and to promote the public peace, health, safety and welfare by minimizing the frequency of occurrences necessitating calls for service to loud or unruly gatherings which disturb the public peace and threaten the general welfare (Ord. 1137 § 1 (part), 1991)

9.23.020 Definitions.

For purposes of this chapter, a "loud or unruly gathering" means a social gathering of three or more people, such as a party, where persons are engaged in activities which a police officer at the scene determines is a threat to the peace, health, safety or general welfare of the public, in accord with Penal Code Section 415 which constitute an obstruction to the free use of property so as to interfere with the comfortable enjoyment of life or property of any other person, as prescribed by Penal Code Section 370; or, which is a gathering of two or more individuals for illegal purposes such as for the illegal sale and/or use of controlled substances and other illegal drugs and substances which intimidates residents and others or creates a public nuisance as defined in Civil Code Sections 3479 and 3480, or, the frequent gathering, or coming and going, of people who have an intent to purchase or use controlled substances on the premises, or the occurrence of prostitution; or, unlawful activities of a criminal street gang (as defined in Penal Code Section 186.22) (Ord. 1279 § 8, 2000 Ord. 1137 § 1 (part), 1991)

9.23.030 Nuisance declared.

It is declared that loud or unruly gatherings which create a threat to the public peace, health, safety or welfare constitute a public nuisance. No person, firm, corporation, association or other legal entity owning, leasing, renting or occupying real property in the city shall create, cause, commit, maintain or permit such a public nuisance to occur on such property (Ord. 1137 § 1 (part), 1991)

9.23.040 Notification of liability for costs of subsequent response.

When a police officer at the scene determines that there is a loud or unruly gathering, the police officer shall notify the owner of the premises, the tenants of the premises, the person in lawful custody of the premises, or the person responsible for committing, creating, causing, or maintaining the gathering, that the gathering constitutes a public nuisance and that such persons shall be held jointly and severally liable for the costs incurred for providing police personnel for a subsequent response to the same premises due to a continuation of the same conduct. In addition, the police officer shall notify the responsible person that the gathering shall be dispersed upon the second response. If, after a good faith effort, no such responsible person can be determined, the warning may be given to any person in attendance (Ord. 1137 § 1 (part), 1991)

9.23.050 Persons liable for costs of subsequent response.

The costs incurred by the police department for a subsequent response to a loud or unruly gathering shall be a personal obligation of the persons who created, caused, committed, maintained or engaged in the activity requiring a response. If any person responsible for, or engaged in, such activities is a minor, the minor's parents or guardians also shall be liable for costs

(Ord 1137 § 1 (part), 1991)

9.23.060 Subsequent response deemed to be special assignment.

The first response and warning shall be deemed to be normal police service. Personnel utilized on a subsequent response shall be deemed to be on special assignment. The costs incurred from such special assignment are declared to be beyond normal services provided by the police department (Ord 1137 § 1 (part), 1991)

9.23.070 Cost limit--Remedies.

The costs of such special assignment include all personnel and equipment costs, and administrative overhead costs. The police department will determine the reasonable cost of such special assignment, which shall not exceed one thousand dollars for a single response. Any damage to city property and any injuries to city personnel may be recovered separately. The remedy provided by this chapter shall be in addition to any other remedy provided by law, and shall not be construed to limit or replace any other remedies, civil or criminal, which may be available (Ord 1137 § 1 (part), 1991)

9.23.080 Recovery of costs.

The costs of such a special assignment shall be a personal obligation of the persons deemed liable under Section 9 23 050 for such costs. In addition, the costs of such special assignment may be made a special assessment against the property on which the nuisance was maintained and shall be a personal obligation against the property owner as herein set forth (Ord 1137 § 1 (part), 1991)

9.23.090 Billing.

When the city has incurred response costs as set forth in this chapter, the actual cost thereof, plus accrued interest at the rate of ten percent per annum from the date of billing, shall be charged to the person or persons responsible. The person or persons responsible under this chapter shall be billed by mail and the bill shall apprise them that failure to pay the bill may result in a special assessment on the involved property (Ord 1137 § 1 (part), 1991)

9.23.100 Appeals.

A. Any person who has been notified by the city that he or she is liable for response costs in accordance with this chapter may appeal to the city manager for a hearing. The appeal shall be in writing, shall be signed by the appellant, and shall set forth the facts and reasons upon which the appeal is based. The appeal shall be filed within ten days following the date of official written notice to the appellant that he or she will be held liable for such costs.

B. The city manager, or the city manager's designee, will schedule a hearing. The appellant shall be notified in writing at least five days in advance of the hearing.

C. The city manager, or the city manager's designee, shall hear the appeal and determine whether to allow the relief being sought or to deny the appeal. The manager has the authority to reduce or compromise the debt as in the city manager's judgment appears to be in the best interests of the city.

D. If the city manager denies the appeal, that decision may be appealed to the city council by filing a written notice of appeal, signed by the appellant, with the city clerk within ten days following the date of the city manager's written decision. The appeal shall be scheduled for a hearing before the council and the appellant shall be notified in writing at least five days in advance of the hearing.

E. Upon denial of an appeal, the appellant shall have thirty days to pay the applicable response costs, or the city may commence proceedings to collect such sums as are due as provided by law and, where applicable, to place a special assessment upon the involved property (Ord 1137 § 1 (part), 1991)

9.23.110 Nonpayment.

When the full amount due to the city for subsequent response costs as set forth in this chapter is not paid by the person or persons responsible within thirty days of the date of the billing for such costs, the finance director may file with the office of the tax collector of the county of San Mateo a declaration that payment was not received along with a request that the amount be imposed as a special assessment on the property pursuant to Government Code Section 38773.5. The remedy provided in this section shall not constitute an election of remedies by the city. (Ord 1137 § 1 (part), 1991)

Chapter 5.20 UNRULY GATHERINGS

Section 5.20.070 Joint and several liability of participants and organizers of unruly gathering.

In addition to any other remedy under law, the city may bill the costs incurred in seeking abatement of the unruly gathering in the amount established by city council resolution to each and every person who created, caused, committed or maintained the unruly gathering. Evidence that a person was requested to leave such a gathering and refused or failed to do so shall be rebuttable proof that person committed and maintained an unruly gathering.

5 20.070

(1642, added, 05/23/2000, Prior Text)

ORDINANCE NO. 2005-20

AN ORDINANCE OF THE CITY OF SANTA CRUZ AMENDING SECTIONS 9.37.010, 9.37.020, 9.37.030, 9.37.040 AND ADDING SECTIONS 9.37.050 AND 9.37.060 TO THE SANTA CRUZ MUNICIPAL CODE PERTAINING TO SPECIAL SECURITY SERVICE CHARGES AT LOUD OR UNRULY GATHERINGS

BE IT ORDAINED By The City Of Santa Cruz As Follows:

Section 1. Section 9.37.010 of the Santa Cruz Municipal Code is hereby amended to read as follows:

“9.37.010. DEFINITIONS.

The following terms used in this Chapter shall have the meanings set forth in this Section.

(a) “Responsible person(s)” shall mean a person(s) with a right of possession in the property on which a loud or unruly gathering is conducted, including, but not limited to, an owner or tenant of the property if the gathering is on private property, or a permittee if the gathering is a permitted gathering on public property, or any person(s) accepting responsibility for such a gathering. “Responsible person” shall additionally include the landlord of another responsible person and the parents and/or legal guardians of responsible persons under the age of 21 years. To incur liability for special security service charges imposed by this Chapter the responsible person need not be present at the loud or unruly gathering resulting in the emergency response giving rise to the imposition of special security service charges. This Chapter therefore imposes vicarious as well as direct liability upon responsible persons.

(b) “Special security services” shall mean the provision of any police, fire or other emergency response service to a loud or unruly gathering within twelve months of a first response as provided in this Chapter.

(c) “Loud or unruly gathering” shall mean a gathering of two or more persons on private property or a permitted gathering of two or more persons on public property whose loud or unruly conduct constitutes a threat to public health, safety, quiet enjoyment of residential property or general welfare, including violations of Chapter 9.36. This term excludes incidents of domestic violence. A loud or unruly gathering shall constitute a public nuisance.”

Section 2. Section 9.37.020 of the Santa Cruz Municipal Code is hereby amended to read as follows:

“9.37.020. RESPONSE TO LOUD OR UNRULY GATHERINGS.

When a police officer responds to a first loud or unruly gathering at premises in the City with a given address, the officer shall inform any responsible person at the scene that:

- (a) The officer has determined that a loud or unruly gathering exists; and
- (b) Responsible persons will be charged for the cost of any special security services required for subsequent responses to the scene within the next twelve months.”

Only one warning will be given pursuant to this Section before the City assesses special security service costs pursuant to Section 9.37.030. If a responsible person cannot be identified at the scene, the Police Department may issue a warning to one of the other responsible persons identified in Section 9.37.010(a) or subsequently return to the scene and issue the warning to a then-present responsible person. Warnings given to responsible persons who do not reside at the premises in question shall be delivered by certified mail.

Section 3. Section 9.37.030 of the Santa Cruz Municipal Code is hereby amended to read as follows:

“9.37.030. COST RECOVERY FOR SPECIAL SECURITY SERVICES.

When the Police Department or Fire Department or other City emergency responder responds to a loud or unruly gathering at premises with a given address in the City within twelve months of a

ORDINANCE NO. 2005-20

warning given to a responsible person for those premises pursuant to Section 9.37.020, or while any such warning remains in effect pursuant to Section 9.37.050, all responsible persons shall be jointly and severally liable for the City's costs of providing special security service for that response and all subsequent responses during that warning period."

Section 4. Section 9.37.040 of the Santa Cruz Municipal Code is hereby amended to read as follows:

"9.37.040. BILLING AND COLLECTION.

Charges for special security service shall include a reasonable charge for the emergency responder's time and actual costs of any equipment used or damaged in connection with the response, together with an additional thirty-three percent of the special security charge for administrative overhead. These charges shall be computed and a bill submitted to the responsible person(s). The Chief of Police shall promulgate notice and billing procedures for this purpose. The bill shall be a debt owed to the City and failure to pay that bill within thirty days is a violation of this Code. If the City is obliged to initiate litigation or other proceedings authorized by Title 4 of this Code to recover this debt, the responsible person shall be liable for:

- (a) Costs of suit;
- (b) Attorney's fees; and
- (c) Costs of collection."

Section 5. Section 9.37.050 is hereby added to the Santa Cruz Municipal Code to read as follows:

"9.37.050. VIOLATIONS/FINES.

(a) It shall be an infraction for a responsible person to conduct or allow a loud or unruly gathering on premises owned by the responsible person or on premises rented by or to the responsible person. A third or subsequent violation within a twelve month period shall constitute a misdemeanor.

(b) Fines.

- (1) A first violation of this Section shall be punishable by a \$250 fine.
- (2) A second violation of this Section at a given address in the City within a given twelve month period shall be punishable by a fine of \$500.
- (3) A third or subsequent violation of this Section at a given address in the City within a given twelve month period shall be punishable by a fine of \$1,000.

(c) The fines prescribed at subsection (b) are in addition to any special security service charges that may be assessed pursuant to this Chapter.

(d) The second, third or subsequent violation fines prescribed at subsections (b)(2) and (b)(3) are payable whether or not the responsible person at the time of the current loud or unruly gathering is the same person who was the responsible person for any prior loud or unruly gathering at those premises.

(e) The fine schedule prescribed at subsection (b) is a "rolling schedule" meaning that in calculating the fine payable the Police Department or City Attorney shall count backward starting from the date of the most recent loud or unruly gathering to determine how many prior loud or unruly gatherings have taken place at the premises in question during the statutory twelve month period. A warning given pursuant to Section 9.27.020 shall remain in effect for the premises at a given address until a full twelve month period has elapsed during which there have been no loud or unruly gatherings at those premises."

Section 6. Section 9.37.060 is hereby added to the Santa Cruz Municipal Code to read as

ORDINANCE NO. 2005-20

follows:

"9.37.060. SERVICE OF ALCOHOLIC BEVERAGES TO MINORS.

The City Council hereby finds that the service of alcohol to minors at loud and unruly gatherings and the consumption of alcohol by minors at loud or unruly gatherings has in the past and continues to pose a threat to the health and safety of all persons who reside in the City and also causes significant disruption of City residents' quiet enjoyment of their households, especially in the City's residential neighborhoods. In addition, such conduct on behalf of persons who serve alcohol to minors and minors who consume alcohol at loud or unruly gatherings results in the expenditure of a disproportionate percentage of the City's police, fire and public safety resources which are underwritten primarily by general municipal taxes paid to the City by its taxpayers and residents. It is therefore the policy of the City Council that in responding to loud or unruly gatherings, the City Police Department shall strictly enforce any and all applicable state laws pertaining to the service of alcohol to minors, and the consumption of alcohol by minors, and with respect to minors in possession of alcohol, the Police Department shall establish a "no tolerance" protocol by which the Police Department contacts, or causes the minor's school to contact, the minor's parents or legal guardians whenever the minor is found to be in possession of alcohol or narcotics or found to be intoxicated at a loud or unruly gathering. Where the minor's school has an internal student disciplinary office any such incident shall likewise be reported to that office"

Section 6. This ordinance shall take effect and be in force thirty (30) days after its final adoption.

PASSED FOR PUBLICATION this 14th day of June, 2005, by the following vote:

AYES: Vice Mayor Mathews; Councilmembers Coonerty, Fitzmaurice, Porter, Madrigal, Reilly; Mayor Rotkin.

NOES: None.

ABSENT: None.

DISQUALIFIED: None.

APPROVED: ss/Mike Rotkin, Mayor ATTEST: ss/Leslie Cook, City Clerk

This Ordinance is scheduled for further consideration at the Council meeting of June 28, 2005.



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Tuesday, May 1, 2007

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[more info >>](#)[Table of Contents](#)[Thanks to Our Sponsors](#)**off-campus housing guide '0****City of Tucson's Unruly Gathering Ordinance (Red Tagging)**[click here to view the text of the ordinance](#)**UNRULY GATHERING ORDINANCE**

You may have read about it in the **Arizona Daily Wildcat**. Something you should know about if you're planning to go to a gathering.

According to the City of Tucson's Unruly Gathering Ordinance, an unruly gathering is unlawful and constitute a civil infraction. This brochure answers questions about the ordinance.

WHAT CONSTITUTES AN UNRULY GATHERING

The ordinance defines it as "a gathering of five (5) or more persons (including property used to conduct business) in a public place for the enjoyment of private or public property by any person not limited to:

- Excessive noise or traffic
- Obstruction of public streets by crowds or vehicles
- Drinking in public
- Service of alcohol to minors or consumption of alcohol
- Fighting
- Disturbing the peace
- Littering

WHAT IS A RED TAG

A red tag is the notice that is posted at the premises where an unruly gathering is taking place. It must be posted in a location that is highly visible to the public.

- That an unruly gathering occurred on the premises
- The date of the unruly gathering,
- That any subsequent unruly gathering on the premises will result in further penalties, and
- The right to contest the citation and posting

WHO IS RESPONSIBLE IF MY RESIDENCE GETS A RED TAG

If law enforcement officials determine that a party or parties are responsible for an unruly gathering in violation of the Ordinance, the following individuals will be held responsible:

- The person(s) who organized or sponsored the party/event *
- The owner of the residence where the unruly gathering took place *
- The occupant(s) or tenant(s) of the residence who were in attendance at the party/event.*
- Any person in attendance at the party/event who was found to be unruly

** This applies to the first citation only. In subsequent violations, all persons in attendance at the party/event will be cited.*

WHAT HAPPENS IF MY RESIDENCE GETS RED-TAGGED?

Once a party or event is deemed in violation of the Unruly Gathering Ordinance, a red tag notice will be issued by enforcement officials. The red tag notice will be effective, and must remain posted, for 180 days. If the residence is found to be responsible for causing the unruly gathering, a mandatory fine of \$100 per individual. Notification of the red tag notice by mail to the property owner advising that any subsequent violation within 180 days of the posting will result in further legal action.

WHAT WILL HAPPEN IF ANOTHER UNRULY GATHERING OCCURS DURING THE 180-DAY PERIOD?

If a subsequent red tag is issued to a premises within the 180-day period from the date of the previous posting, the red tag notice will be effective for another 180 days. Individuals who are found responsible for causing an unruly gathering (see above) will incur the following:

- A minimum mandatory fine of \$500 for the first violation
- A minimum mandatory fine of \$1,000 for the second violation
- A minimum mandatory fine of \$1,500 for the third violation

WHAT WILL HAPPEN IF I REMOVE THE RED TAG DURING THE 180-DAY PERIOD?

The owner, occupant(s), or tenant(s) of the residence where the red tag notice is not removed, defaced or concealed, will be cited for violation of the ordinance. Removal, defacement or concealment of a posted red tag notice is a violation of the ordinance, and will result in a minimum fine of \$500.

WHAT RIGHT DO I HAVE TO CONTEST A RED TAG?

Any owner, occupant or tenant who feel their residence has been unfairly cited for an unruly gathering may contest the notice by filing a written petition for review with the Tucson City Court requesting that the court determine if the red tag was properly issued. Petitions must be filed no later than 10 days after the red tag notice is issued by mail, no later than 15 days after the red tag notice is issued in person. The court will set a time and date for a hearing to be held no later than 30 days after the petition is filed, and will notify both the petitioner and the city of the hearing date.

WHAT CAN I DO TO PREVENT MY PARTY FROM BEING RED-TAGGED?

UA students, like all Tucson residents, have an obligation to respect the rights, privacy, and property of others. By following the tips below, you can host parties and celebration events while still maintaining good relations with your neighbors.

- Keep guest lists to a minimum. If you are planning a large party, inform nearby neighbors in writing.

one week in advanced of the party, and include phone number so that they may contact you with concerns.*

- Respect your neighbors' property and inform your guests that you expect them to do the same
- Keep noise levels to a minimum.
- Alert law enforcement if there are early signs party is getting out of control
- Make sure that post-party cleanup is complete later than one day following the party
- If alcohol is being served
 - Take steps to ensure that all guests have a safe ride home
 - Take steps to ensure that guests under the age of 21 do not have access to alcohol.
 - Have food and a variety of non-alcoholic beverages available
- If a neighbor calls with a complaint while your party is in progress, make every effort to address and resolve the issue that is causing your neighbor distress
-

** Prior notification to neighbors about a party will not excuse homeowner/tenant from receiving a red tag if that party violates the Unruly Gathering Ordinance*

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Chapter 7.22: UNRULY GATHERINGS*

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Sections:

7.22.010 Purpose.

7.22.020 Definitions.

7.22.025 Nuisance declared.

7.22.030 Response to unruly gatherings.

7.22.040 Joint and several liability of participants and organizers of unruly gathering.

7.22.045 Cumulative first responses.

7.22.050 Civil or criminal actions not affected.

7.22.060 Construction.

7.22.070 Severability.

7.22.010 PURPOSE. This Chapter is enacted pursuant to the authority provided in Government Code Sections 38771 through 38773.5 and pursuant to the City's police powers. The purpose of this Chapter is to identify activity which constitutes a public nuisance, to provide for the summary abatement of such a nuisance at the expense of the persons creating, causing, committing or maintaining it, and to promote the public peace, health, safety and welfare by minimizing the frequency of occurrences requiring calls for service to unruly gatherings which disturb the public peace and threaten the general welfare. (Ord. 2004-15 § 1, 2004; Ord. 1991-17 § 1 (part), 1991).

7.22.020 DEFINITIONS. (a) For the purposes of this Chapter an "unruly gathering" means a gathering of three or more people where such persons are engaged in activities that constitute a violation of:

- (1) Penal Code Section 407; or
- (2) Penal Code Section 415(b); or
- (3) Section 7.30.100(b) of this Code.

(b) For the purposes of this Chapter "emergency response" means the dispatch of three or more police officers in response to a call for service. (Ord. 2004-15 § 1, 2004; Ord. 1991-17 § 1 (part), 1991).

7.22.025 NUISANCE DECLARED. It is declared that unruly gatherings constitute a public nuisance as defined by Chapter 7.16. No person, firm, corporation, association, or other legal entity owning, leasing, renting, or occupying real property in the city shall create, cause, commit, maintain, or permit such a public nuisance to occur on such property. (Ord. 2004-15 § 1, 2004).

7.22.030 RESPONSE TO UNRULY GATHERINGS. (a) First Response. Upon a report of an unruly or potentially unruly gathering, a duly authorized officer or employee of the City may respond to the incident and make a preliminary determination as to whether the incident constitutes or may constitute an unruly gathering. If the officer or employee determines that the incident constitutes or may constitute an unruly gathering, the officer or employee may issue a



CHARLESTON NEIGHBORHOOD PRESERVATION

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PHONE: (702) 877-2438

DATE: 27 April 2007

TO: CLV RECOMMENDING COMMITTEE of 2 May 2007
FROM: Charleston Neighborhood Preservation
>RE: Bill No. 2007-14

This bill is a statement by elected "representatives" that rather than acting on behalf of the residents of this city, requests power to use tax paid law enforcement to, if an officer wishes, declare a person(s) "unruly" meaning 'not submissive' to ANYTHING to which the officer responding to a call, determines "unruly" to portray.

What a defiant, trashing, unruly, depraved and corrupt, attack on residents who, according to law, can expect elected representatives to preserve their rights as declared in our Constitution of this United States of America.

Two people can emit higher decibels than one. Why are proposals to cut open space by more than 10 thousand feet and roads narrowed as tweakings to increase the number of apartments per acre? Why are liquor licenses requested where they infringe on the lawful boundaries of schools, churches and childcare? Are these items requested on City of Las Vegas agendas not "unruly"?

May I state the Preamble of THE CONSTITUTION? Just the preamble is enough to spotlight the tragic waste, the debasement of intellect, resources and liberties which defaces the 9 pages of Bill No. 2007-14.

The Preamble: We the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America.

Do the 2 council persons sponsoring Bill 2007-14, formerly 2006-54 and on the council agenda tomorrow as item No.58 truly believe in the validity of this item beyond this nanosecond?

Respectfully, we request that this Bill 2007-14 receive a No vote and that the intentions stated in this bill never again be sponsored by any legal representative of the people.

Some Board Members of Charleston Neighborhood Preservation:

Pearl Gonzales
Gene R. Gonzales Jr.
Sherry Mason

Dennis Antine
Pamela Stancliffe
Dick Bratten

June Ingram
Joan Lynch
Vicki Arnold

Dorothy Orr
Rose Honrath

MEMBERS

Vicki Arnold - Juanita Clark - Miriam Een - Marcus Gobel - Rose Honrath - June Ingram - Rick Johnson
Gene & Pearl Gonzales - Sherry Mason - Dorothy Orr - Barbara Roth - Layne Rushforth - Pamela Stancliffe - Others

#3

TM/REC'D CTRC MTS. [4P TUES.] MAY, '07 (8m flr) (CH: L. TARRAMON)
Gm S. ROSS

PUBLIC COMMENT: - (CAUTION SUMMARY NOTES) ~
(PRIOR TO 'TALKING') ~

Item # 3. - TOM MCGOWAN; LAS VEGAS RESIDENT. ~ ITS REASONABLE TO ASSUME ANY GROUP OF
TWO(2) OR MORE PERSONS ENGAGED IN UNLAWFUL ACTIVITY IS AN 'UNLAWFUL GATHERING'.

EXAMPLES INCLUDE: ~

✓ HUNDREDS OF THOUSANDS ENGAGED IN A POLITICAL DEMONSTRATION SUPPORTIVE OF ILLEGAL
ALIENS, AND DISRUPTING VEHICULAR TRAFFIC;

✓ CROWDED 'FIRST FRIDAYS' IN THE ARTS DISTRICT, INCLUSIVE OF: OVERAGE DRINKING; PUBLIC
NUISANCE; VIOLATIONS OF CITY CODES; VANDALISM; ADA NON-COMPLIANCE; ARMED ROBBERY; AND
THE DISCONTINUATION OF PUBLIC MASS TRANSIT SERVICES.

AS USED IN THE BILL, THE TERM: 'PROHIBITS' IMPLIES MANDATORY INVESTIGATION AND PROSECUTION
IN ACCORDANCE WITH APPLICABLE LAW. I RECOMMEND A POLICY OF 'ZERO TOLERANCE' IN
THE BEST PUBLIC INTEREST INCLUSIVELY. AND PERTINENT PUBLIC OFFICIALS SHOULD BE HELD
RESPONSIBLE, ACCOUNTABLE AND LIABLE, TO THE FULL EXTENT OF THE LAW. VALID STATUS

AS A 'WORLD CLASS' CITY REQUIRES A POPULATION COMPRISED OF 'WORLD CLASS' PUBLIC AND
PRIVATE SECTORS, ~ AND THAT REQUIRES 'WORLD CLASS' OFFICIAL LEADERSHIP, TO SET
A POSITIVE ROLE MODEL EXAMPLE, ~ RATHER THAN ONE THAT CONTRIBUTES TO THE DECLINE
OF THE STANDARD OF DECENCY THROUGHOUT SOCIETY AND GOVERNMENT.

THANK YOU.

Item # 7. - TOM MCGOWAN; LAS VEGAS RESIDENT. ~ HISTORICALLY, THE TERM: 'MINIMUM' IS EXPEDIENTLY
SUBJECT TO CONSTRUCTION AS A 'MAXIMUM'. I RECOMMEND THE BILL INCLUDE PROVISION FOR
A DISCRETIONARY 'UPSIDE OPEN END' 'MAXIMUM', WITHIN REASONABLE LIMITATIONS. ~ THANK YOU.

Item # 10. - TOM MCGOWAN; LAS VEGAS RESIDENT. ~ AS PREVIOUSLY STATED TO THE DESIGN REVIEW
COMMITTEE AND OTHER PUBLIC AGENCIES, ~ 14 OF THE 18 HISTORIC COMMEMORATIVE
MEDALLIONS EMPLACED IN THE PEDESTRIAN SIDEWALK ARE INCORRECT, INCOMPLETE, AND ARE NOT
DIRECTLY RELATABLE TO ANY OF THE PRIVATE PROPERTIES LOCATED IN 'FREMONT EAST'.
IF APPROVED, THE BILL CONSTITUTES MISFEASANCE OF PUBLIC OFFICE AND MISFEASANCE OF
PUBLIC FUNDS, ON THE PART OF ALL PUBLIC OFFICIALS AND CITY EMPLOYEES DIRECTLY AND
INDIRECTLY CAUSAL AND CONTRIBUTIVE TO THE BILL, WHICH AT BEST IS GROSSLY AT VARIANCE
WITH FACT, AND, IN THE WORST CASE SCENARIO, ~ CONSTITUTES MISREPRESENTATION, FRAUD,
EXTORTION IN EXPEDIENT SERVICE TO A WHOLLY SUSPECTIVE AGENDA, AT BOTH PUBLIC AND PRIVATE
EXPENSE, AND ADVERSELY IMPACTIVE UPON THE GENUINE BEST PUBLIC INTEREST. ~ THANK YOU.

#10

(Latter Text SUBMITTED AND REQUESTED INCLUSION IN THE MINUTES).

AGENDA SUMMARY PAGE
RECOMMENDING COMMITTEE MEETING OF: MAY 1, 2007

DEPARTMENT: CITY ATTORNEY

DIRECTOR: BRADFORD R. JERBIC

☐ Consent ☒ Discussion

SUBJECT:

NEW BILL:

Bill No. 2007-15 – Levies Assessment for Special Improvement District No. 1485 - Alta Drive (Rancho Drive to approximately 275 feet west of Lacy Lane) (Landscape Maintenance FY2008)
Sponsored by: Step Requirement

Fiscal Impact

☐

No Impact

☐

Augmentation Required

☒

Budget Funds Available

Amount: \$59,400.00

Funding Source: Capital Projects Fund - Special Assessments

Dept./Division: Public Works/SID

PURPOSE/BACKGROUND:

Levies the assessment for the annual maintenance costs of street beautification improvements along Alta Drive from Rancho Drive to approximately 275 feet west of Lacy Lane. The fiscal amount reflects the estimated maintenance costs from July, 2007 through June, 2008.

RECOMMENDATION:

This bill should be submitted to a Recommending Committee for review, hearing and recommendation to the City Council for final action.

BACKUP DOCUMENTATION:

Bill No. 2007-15

Motion made by LOIS TARKANIAN to Approve as a Do Pass

Passed For: 2; Against: 0; Abstain: 0; Did Not Vote: 0; Excused: 0

LOIS TARKANIAN, STEVEN D. ROSS; (Against-None), (Abstain-None); (Did Not Vote-None); (Excused-None)

Minutes:

COUNCILMAN ROSS declared the Public Hearing open.

MIKE THOMPSON, Supervisor, Special Improvement District Section, said this item is in order. He recommended approval.

COUNCILMAN ROSS declared the Public Hearing closed.

BILL NO. 2007-15

ORDINANCE NO. _____

AN ORDINANCE CONCERNING CITY OF LAS VEGAS, NEVADA, SPECIAL IMPROVEMENT DISTRICT NO. 1485 - ALTA DRIVE (LANDSCAPE MAINTENANCE FY2008); PROVIDING FOR THE PAYMENT OF THE COSTS AND EXPENSES OF MAINTAINING STREET BEAUTIFICATION IMPROVEMENTS; ASSESSING THE COST OF MAINTENANCE AGAINST THE ASSESSABLE LOTS, TRACTS, AND PARCELS OF LAND BENEFITED BY SAID MAINTENANCE; RATIFYING, APPROVING AND CONFIRMING ALL ACTION PREVIOUSLY TAKEN; PRESCRIBING DETAILS IN CONNECTION THEREWITH.

Summary: Levy Ordinance

WHEREAS, the City Council of the City of Las Vegas (hereinafter the "City Council" and "City", respectively) in the County of Clark and State of Nevada, has heretofore, pursuant to the requisite preliminary proceedings, created Las Vegas, Nevada, Special Improvement District No. 1485 - Alta Drive (Landscape Maintenance) (hereinafter the "District"), to defray the annual maintenance costs of a street beautification project within the District (hereinafter the "Maintenance Project") as defined in Chapter 271, Nevada Revised Statutes and has provided that the entire cost and expense of the Maintenance Project shall be paid by special assessments, according to benefits, levied against the benefited lots, tracts and parcels of land in the District; and

WHEREAS, the District has been properly created by an ordinance heretofore adopted under the provisions of the Consolidated Local Improvement Law; and

WHEREAS, the City Council has heretofore determined that the entire cost and expense of the Maintenance Project is to be paid by special assessments levied against the benefited lots, tracts and parcels of land in the District which the City Council has determined will receive special benefits (and corresponding market value increases) from the Maintenance Project; and

WHEREAS, in accordance with NRS 271.360 and NRS 271.378, the City Council has heretofore determined, and does hereby declare, that the net cost of the Maintenance Project for FY2008 (including all necessary incidentals which either have been or will be incurred in connection with the District) is \$59,400.00, of which, \$0.00 is available from other sources and of which \$59,400.00 is to be assessed upon the benefited lots, tracts and parcels of land in the District which the City Council has determined will receive special benefits (and corresponding market value increases) from the Maintenance Project; and

WHEREAS, the City Council, by resolution heretofore adopted and directed the Director of Public Works with the assistance of the City Engineer Division (hereinafter the "Engineer") to make out a final assessment roll; and

WHEREAS, after a determination of the costs of such work to be paid by the property specially benefited, the City Council, together with the Engineer made out a final assessment roll containing, among other things, the names and addresses of the last known owners of the property to be assessed, a description of each lot, tract, or parcel of land to be assessed, and the amount of the assessment thereon; and

WHEREAS, the Engineer has reported the final assessment roll to the City Council and has filed the final assessment roll with the City Clerk; and

WHEREAS, the City Council thereupon fixed a time and place, to wit: Wednesday, April 4, 2007, at 1:00 p.m., at the Las Vegas City Council Chambers, 400 Stewart Avenue, in Las Vegas, Nevada, when all complaints, protests and objections to the final assessment roll, to the amount of the assessments, and to the regularity of the proceedings in making such assessments, by the owners of the property specially benefited by, and proposed to be assessed for, the Maintenance Project in the District, by any person interested, and by any parties aggrieved by such assessments, would be heard and considered by the City Council; and

WHEREAS, the Engineer has, in accordance with the provisions of law relating thereto, given the requisite legal notice by both mail and publication that complaints, protests and objections to assessments ~~for the Maintenance Project in the District should be filed with the City Clerk, and that the City Council would hear and consider any and all complaints, protests or objections on Wednesday, April 4, 2007, at 1:00 p.m., at the Las Vegas City Council Chambers, 400 Stewart Avenue, in Las Vegas, Nevada, and~~

WHEREAS, the City Council caused the final assessment roll ("Tabulation of Parcels") to be filed in the records of the office of the City Clerk on March 7, 2007; and

WHEREAS, the City Clerk, by publication and by mail, gave the requisite notice of the time and place of such hearing on April 4, 2007, of the filing of the final assessment roll in her office, of the date of filing the same, and of the right of any such person to object specifically in writing and of the waiver of any objection in the absence of such objection, and

WHEREAS, at the time and place so designated, the City Council met to hear and determine all objections filed or made orally by any interested party; and

WHEREAS, all complaints, protests and objections, both written and oral, were found to be without sufficient merit and overruled, except as provided in the District No. 1485 (FY2008) Assessment Protest Resolution; and

WHEREAS, by the District No. 1485 (FY2008) Assessment Protest Resolution, the City Council modified, corrected and revised the final assessment roll and modified, corrected, revised and confirmed the final assessment roll to be in final form; and

WHEREAS, the assessments do not exceed the benefits to the property assessed nor the total cost of the Maintenance Project payable from assessments as heretofore determined; and

WHEREAS, it is incumbent upon the City Council to provide when said assessments shall become due and penalties payable after any delinquency; and

WHEREAS, the City Council has determined, and does hereby determine, that the City shall pay the costs of the Maintenance Project, with funds completely derived from the levy of assessments.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LAS VEGAS DOES ORDAIN AS FOLLOWS:

Section 1. This Ordinance shall be known as, and may be cited by, the short title "District No. 1485 (FY2008) Levy Ordinance" (hereinafter the "Ordinance").

Section 2. The City Council has heretofore determined, and does hereby declare, that each ~~and every complaint, protest and objection made in connection with the District~~ is without sufficient merit and the same be, and the same hereby is, overruled, and finally passed on by the City Council, except as provided in the District No. 1485 (FY2008) Assessment Protest Resolution.

Section 3. All actions, proceedings, matters and things heretofore taken, had and done by the City and the officers thereof (not inconsistent with the provisions of this Ordinance) concerning Special Improvement District No. 1485 – Alta Drive (Landscape Maintenance FY2008) including, but not limited to, ~~the creation of the District, the amount of the maintenance contract, the levy of assessments for those~~ purposes, the determination that the tracts in the District will receive special benefits and market value

increases, and the validation and confirmation of the final assessment roll and the assessments therein, be, and the same hereby is, ratified, approved and confirmed.

Section 4. For the purpose of paying the costs and expenses of the Maintenance Project, the amounts and assessments shown in the final assessment roll (as so filed, modified and confirmed) are hereby levied and assessed against the lots, tracts and parcels of land in the District (being all those specially benefited by the Maintenance Project) and described in the final assessment roll for the District, as filed in the office of the City Clerk on March 7, 2007, and as modified and confirmed by the District No. 1485 (FY2008) Assessment Protest Resolution duly adopted by the City Council on April 18, 2007.

Section 5. The assessments shall be due and payable at the office of the City Treasurer within 30 days after this Ordinance becomes effective, without interest and without demand; provided that all or any part of such assessments may, at the election of the owner, be paid in installments, as hereinafter provided. Failure to pay the whole assessment within said period of 30 days shall be conclusively considered and held an election on the part of all persons interested, whether under disability or otherwise, to pay in installments the amount of the assessment then unpaid. In case of such election to pay in installments, the unpaid assessments shall be payable in four (4) substantially equal quarterly installments of principal until paid in full, without interest, payable at the office of the City Treasurer on July 2, 2007, October 1, 2007, January 2, 2008 and April 1, 2008. Failure to pay any installment when due shall cause the whole amount of the unpaid principal to become due and payable immediately, at the option of the City, the exercise of said option to be indicated by the commencement of foreclosure proceedings by the City; and the whole amount of the unpaid principal shall, after such delinquency, whether said option is or is not exercised, bear penalty interest at the rate of two percent (2%) (or at any higher rate authorized by statute, or any lower rate, which may be zero percent, for such period as determined by the City Treasurer) per month (not prorated for any portion of the month) on the unpaid balance of the assessment and accrued interest until the day of sale or until paid, but at any time prior to the date of the sale the owner may pay the amount of all delinquent installments originally becoming due on or before the date of said payment, and all penalty interest accrued, and shall thereupon be restored to the right thereafter to pay in installments in the same manner as if default had not been suffered. The

owner of any property assessed and not in default as to any installment or payment may, at any time (at the option of such owner), pay the whole or any installment of the unpaid principal.

Pursuant to NRS 271.357 and NRS 271.360, any assessment against property for which an application for Hardship Determination has been approved by the City Council shall be postponed. The assessment shall remain postponed until the earlier of the following occurrences: (a) the property is sold or transferred to a person other than one to whom a Hardship Determination has been granted; (b) the property owner's application for renewal of the Hardship Determination is disapproved; or (c) the property owner pays all previous and current assessments. The property owner shall file an application for renewal of the Hardship Determination each year when the Maintenance Project is levied. The owner shall also be subject to the lien as provided in Section 6 hereof.

Section 6. The amounts assessed shall be a lien upon the owner's lots, tracts and parcels of land from the effective date of this Ordinance (i.e. May 20, 2007) until paid. The lien shall be co-equal with the latest lien thereon to secure the payment of general taxes and prior and superior to all other liens, claims, encumbrances and titles (other than the liens of assessments and general taxes). The sale of any such lot, tract or parcel of land for general or other taxes shall not relieve such lot, tract or parcel of land from such assessment or the lien therefor. Such amounts shall continue to be a lien upon the lots, tracts and parcels of land assessed until paid in full (including all principal, penalties, and collection costs).

Section 7. Should any lot, tract or parcel of land within the District be divided after the effective date of this Ordinance and before the collection of all the assessment installments, or if any property in the District makes a request to do so, the City Council may require the City Treasurer to apportion, combine or reapportion the uncollected amounts upon the several parts of land so divided or combined in accordance with the provisions of NRS 271.425. The report of such an apportionment, combination or reapportionment, when approved, shall be conclusive on all the parties, and all assessments thereafter made upon the tracts shall thereafter be according to the subdivision. The report, when approved, shall be recorded in the office of the County Recorder of Clark County, Nevada, together with a statement that the current payment status of any of the assessments may be obtained from the City Treasurer. Neither the failure to record the report, nor any defect in the report as recorded, shall affect the validity of the assessments, the lien for the payment thereof or the priority of that lien.

Section 8. In case any lot, tract or parcel of land so assessed is delinquent in the payment of the assessment or any installment of principal, the City Council shall forthwith cause the owner of such delinquent property, if known, to be immediately notified in writing of such delinquency, by first-class mail, postage prepaid, addressed to the addressee's last known address. If such delinquency is not paid within 10 days after such notice was given by deposit in the United States mail, then said assessment shall be enforced by the City Treasurer and other officers of the City, as provided in NRS 271.545 to NRS 271.625. Nothing herein shall be construed as preventing the City, at the direction of the governing body, from collecting any assessment by suit in the name of the governing body. The final assessment roll and the certified copy of this Ordinance shall be prima facie evidence of the regularity of the proceedings in making the assessment and of the right to recover judgment therefor.

Section 9. The City Clerk is hereby directed to deliver to the City Treasurer a copy of the final assessment roll containing a description of the lots, tracts and parcels of land being assessed, with the amount of the assessment levied upon each and the name and address of the owner or owners against whom the assessment was made. The final assessment roll is to be recorded in the office of the County Recorder together with the statement that the current payment status of any assessment may be obtained from the City Treasurer. The City Treasurer is additionally directed to collect the several sums so assessed as a tax upon the several tracts to which they were assessed.

Section 10. In accordance with NRS 271.405(7) the City Clerk shall give notice by publication in the Las Vegas Review-Journal, a newspaper of general circulation in the City, and such notice to be published at least once a week, for three consecutive publications, by three weekly insertions, the first such publication to be at least 15 days prior to the end of the 30-day period stating that said assessments have been levied and are due and payable and the last day for their payment. It shall not be necessary that the notice be published on the same day of the week, but not less than 14 days shall intervene between the first publication and the last publication. Service by publication shall be verified by the affidavit of the publisher or his designee and filed with the City Clerk of the City. In accordance with NRS 271.390(2) the City Clerk or Deputy City Clerk shall also give written notice of the levying of the assessments by mailing a copy of such notice, postage prepaid, at least 20 days prior to the end of said 30-day period, to the owner or owners of all property upon which the assessment was levied at his or her

last known address or addresses. Proof of such mailing shall be made by the affidavit of the City Clerk or Deputy City Clerk and such proof shall be filed with the City Clerk. Failure to mail any such notice or notices shall not invalidate any assessment or any other proceedings concerning the District. Proof of the publication and proof of the mailing shall be maintained in the permanent records of the office of the City Clerk until all special assessments have been paid in full or until any claim is barred by an appropriate statute of limitations. The City Council hereby determines that the manner of giving notice herein provided by publication and by mail is reasonably calculated to inform the parties of the proceedings concerning the District and the levy of assessments which may directly and adversely affect their legally protected interests.

Section 11. The notice provided for in NRS 271.390(2) and NRS 271.405(7) and in Section 10 of this Ordinance shall be in substantially the following form:

(Form of Notice)

NOTICE TO PROPERTY OWNERS OF THE LEVY OF ASSESSMENTS FOR
LANDSCAPE MAINTENANCE IN CITY OF LAS VEGAS, NEVADA SPECIAL
IMPROVEMENT DISTRICT NO. 1485 - ALTA DRIVE (LANDSCAPE
MAINTENANCE FY2008)

NOTICE IS HEREBY GIVEN to the owners of all property upon which an assessment has been levied, and other interested persons, that District No. 1485 (FY2008) Levy Ordinance (hereinafter the "Levy Ordinance") was duly passed, adopted, signed and approved on May 16, 2007. The Levy Ordinance levied and assessed the cost and expense of landscape maintenance against the lots, tracts and parcels of land specially benefited by the maintenance in what is commonly designated as "City of Las Vegas, Nevada, Special Improvement District No. 1485 - Alta Drive (Landscape Maintenance)," (said lots, tracts and parcels of land being more specifically described in the final assessment roll designated in the ordinance).

Assessments are due and payable at the office of the City Treasurer in Las Vegas, Nevada, on or before June 19, 2007, being 30 days after the effective date of the Levy Ordinance, without interest and without demand, provided that all, or any part of such assessments may, at the election of the owner, be paid in installments, without interest as hereinafter provided. Failure to pay the whole assessment within the 30-day period will be conclusively considered and held an election on the part of all persons interested, whether under disability or otherwise, to pay the unpaid assessment in installments. In case of such election to pay in installments, the unpaid assessments will be payable in four (4) substantially equal quarterly installments of principal until paid in full, being payable at the office of the City Treasurer in Las Vegas, Nevada, on July 2, 2007, October 1, 2007, January 2, 2008, and April 1, 2008. Failure to pay any assessment installment when due will cause the whole of the unpaid principal of such assessment to become due and payable immediately at the City's option, and the whole amount of the unpaid principal will, after such delinquency, whether the City's option is or is not exercised, bear penalty interest at the rate of two percent (2%) (or at any higher rate authorized by statute, or any lower rate, which may be zero percent, for such period as determined by the City Treasurer) per month (not prorated for any portion of the month) on the unpaid balance of the assessment and accrued interest, until the day of sale or until paid, but at any time prior to the date of the sale, the owner may pay the amount of all delinquent

installments originally becoming due on or before the date of payment, and all penalty interest accrued, and will thereupon be restored to the right thereafter to pay in installments in the same manner as if default had not been suffered. The owner of any property not in default as to any assessment installment or payment may, at any time, pay the whole or any installment of the unpaid principal.

Pursuant to NRS 271.357 and NRS 271.360, any assessment against property for which an application for Hardship Determination has been approved by the City Council shall be postponed. The assessment shall remain postponed until the earlier of the following occurrences: (a) the property is sold or transferred to a person other than one to whom a Hardship Determination has been granted; (b) the property owner's application for renewal of the Hardship Determination is disapproved; or (c) the property owner pays all previous and current assessments. The property owner shall file an application for renewal of the Hardship Determination each year when the Maintenance Project is levied. The owner shall also be subject to the lien as provided in Section 6 hereof.

Pursuant to NRS 271.395, within 15 days after the effective date of the Levy Ordinance, any person who has filed a complaint, protest or objection in writing, pursuant to NRS 271.380, shall have the right to commence an action or suit in any court of competent jurisdiction to correct or set aside such determination. Thereafter, all actions or suits attacking the regularity, validity and correctness of the proceedings, of the final assessment roll, of each assessment contained therein, of the amount of special benefits and market value increases, and of the amount thereof levied on each tract, including, without limiting the generality of the foregoing, the defense of confiscation shall be perpetually barred.

The amounts assessed as aforesaid constitute a lien upon said lots, tracts and parcels of land from May 20, 2007, (i.e., the effective date of the Levy Ordinance), which lien shall be co-equal with the latest lien thereon to secure the payment of general taxes and prior and superior to all other liens, claims, encumbrances and titles (other than the liens of assessments and general taxes). The sale of any such lot, tract or parcel of land for general taxes shall not relieve such lot, tract or parcel of land from such assessment or the lien therefor.

Dated this May 16, 2007.

Beverly K. Bridges, CMC, Acting City Clerk

(End of Form of Notice)

Section 12. The officers of the City be, and they hereby are, authorized and directed to take all action necessary and appropriate to effectuate the provisions of this Ordinance, including without limiting the generality of the foregoing, the preparation of all necessary documents, legal proceedings, the recording of the final assessment roll, and other items necessary or desirable for the completion of the levying of the assessments of the District.

Section 13. All ordinances or resolutions, or parts thereof, in conflict with the provisions of this Ordinance, are hereby repealed to the extent only of such inconsistency. This repealer shall not be construed to revive any ordinance or resolution, or part thereof, heretofore repealed.

Section 14. That in accordance with Section 2.110 of the City Charter, this Ordinance when first proposed is to be read by title to the City Council, immediately after which an adequate number of copies of the proposed Ordinance are to be deposited with the office of the City Clerk for public examination and distribution upon request; thereafter, the City Clerk is authorized and directed to give notice of the deposit together with the title of the Ordinance by publication at least once in the Las Vegas Review-Journal, i.e., a newspaper published and having general circulation in the City, at least ten (10) days before the adoption of the Ordinance, i.e., at least ten (10) days before May 16, 2007, such publication to be in substantially the following form:

(FORM OF PUBLICATION OF NOTICE OF DEPOSIT OF AN ORDINANCE)

ORDINANCE NO _____

AN ORDINANCE CONCERNING CITY OF LAS VEGAS, NEVADA, SPECIAL IMPROVEMENT DISTRICT NO. 1485 ALTA DRIVE (LANDSCAPE MAINTENANCE FY2008) PROVIDING FOR THE PAYMENT OF THE COSTS AND EXPENSES OF MAINTAINING STREET BEAUTIFICATION IMPROVEMENTS, ASSESSING THE COST OF MAINTENANCE AGAINST THE ASSESSABLE LOTS, TRACTS, AND PARCELS OF LAND BENEFITED BY SAID MAINTENANCE; RATIFYING, APPROVING AND CONFIRMING ALL ACTION PREVIOUSLY TAKEN; PRESCRIBING DETAILS IN CONNECTION THEREWITH.

PUBLIC NOTICE IS HEREBY GIVEN that an adequate number of typewritten copies of the above-entitled proposed Ordinance were filed with and are available for public inspection and distribution at the office of the City Clerk of the City of Las Vegas, 400 Stewart Avenue, Las Vegas, Nevada, and that such ordinance was proposed on the 18th of April, 2007, and will be considered for adoption at the regular meeting of the City Council of the City of Las Vegas on the 16th of May, 2007.

/s/ Beverly K Bridges, CMC
Acting City Clerk

(End of Form)

Section 15. That this Ordinance shall be in effect on the day after its publication, as hereinafter provided. After this Ordinance is signed by the Mayor and attested and sealed by the City Clerk, this Ordinance shall be published by title only, together with the names of the City Council voting for or against its passage, and with a statement that typewritten copies of said Ordinance are available for inspection by all interested parties at the office of the City Clerk, such publication to be made in the Las Vegas Review-Journal, a newspaper published and having general circulation in the City, at least once, pursuant to Section 2.110 of the Charter and all laws thereunto enabling, such publication is to be in substantially the following form:

(Form for Publication After Final Adoption of Ordinance)

ORDINANCE NO. _____

AN ORDINANCE CONCERNING CITY OF LAS VEGAS, NEVADA, SPECIAL IMPROVEMENT DISTRICT NO. 1485 - ALTA DRIVE (LANDSCAPE MAINTENANCE FY2008); PROVIDING FOR THE PAYMENT OF THE COSTS AND EXPENSES OF MAINTAINING STREET BEAUTIFICATION IMPROVEMENTS; ASSESSING THE COST OF MAINTENANCE AGAINST THE ASSESSABLE LOTS, TRACTS, AND PARCELS OF LAND BENEFITED BY SAID MAINTENANCE; RATIFYING, APPROVING AND CONFIRMING ALL ACTION PREVIOUSLY TAKEN; PRESCRIBING DETAILS IN CONNECTION THEREWITH.

PUBLIC NOTICE IS HEREBY GIVEN that the above Ordinance was proposed on April 18, 2007, and was passed at a regular meeting held on May 16, 2007, by the following vote of the City Council of the City of Las Vegas, Nevada:

Those Voting Aye:

Oscar B. Goodman
Gary Reese
Larry Brown
Steve Wolfson
Lois Tarkanian
Steven D. Ross

Those Voting Nay.

Those Absent:

This Ordinance shall be in full force and effect from and after May 20, 2007, i.e., the day after its publication by title only.

IN WITNESS WHEREOF, the City Council of the City of Las Vegas, Nevada, has caused this Ordinance to be published by title only.

This 16th of May, 2007

/s/ OSCAR B. GOODMAN
Mayor
City of Las Vegas, Nevada

(SEAL)

Attest:
/s/ BEVERLY K. BRIDGES, CMC
Acting City Clerk

Section 16. That if any section, paragraph, clause or other provision of this Ordinance shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or other provision shall not affect any of the remaining provisions of this Ordinance.

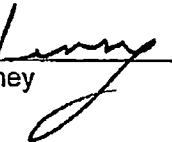
Introduced April 18, 2007, PASSED, ADOPTED AND APPROVED May 16, 2007.

OSCAR B. GOODMAN, Mayor

Attest.

BEVERLY K BRIDGES, CMC, Acting City Clerk

Approved as to Form:

29 MAR 07 W F / 
Date Deputy City Attorney

STATE OF NEVADA)
)
COUNTY OF CLARK) SS
)
CITY OF LAS VEGAS)

I, Beverly K. Bridges, CMC, the duly chosen, acting City Clerk of the City of Las Vegas (hereinafter the "City"), in the State of Nevada, do hereby certify:

1. The foregoing pages constitute a true, correct, complete and compared copy of an ordinance which was introduced at the meeting of the City Council on April 18, 2007, and finally adopted and approved on May 16, 2007.

2. The following members of the City Council were present at the April 18, 2007, Council meeting:

Mayor:	Oscar B. Goodman
Councilmembers:	Gary Reese
	Larry Brown
	Steve Wolfson
	Lois Tarkanian
	Steven D. Ross

3 The foregoing Ordinance was first proposed and read by title to the City Council on April 18, 2007, and referred to a committee composed of _____ and _____ for recommendation, thereafter the said committee reported favorably on said Ordinance on May 16, 2007, which was a regular meeting of said City Council; that at said regular meeting, the proposed Ordinance was again read by title to the City Council and adopted. The following members of the City Council were present at the May 16, 2007, meeting and voted upon the adoption of the Ordinance as follows:

Those Voting Aye:	Oscar B. Goodman
	Gary Reese
	Larry Brown
	Steve Wolfson
	Lois Tarkanian
	Steven D. Ross

Those Voting Nay:	_____

Those Absent:	_____

4. The original of the Ordinance has been approved and authenticated by the signatures of _____ the Mayor of the City and myself, as Clerk of the City, and sealed with the seal of the City, and has been recorded in the journal of the City Council kept for that purpose in my office, which record has been duly signed by such officers and properly sealed.

5. All members of the City Council were given due and proper notice of the meetings held on April 18, 2007, and May 16, 2007. Pursuant to § 241.020, Nevada Revised Statutes, written notice of the

meetings was given no later than 9:00 a.m. on the third working day before the meetings, including in the notice the time, place, location, and agenda of the meeting:

(a) By posting a copy of the notice by 9:00 a.m. at least three (3) working days before the meetings at the principal office of the City Council, or if there is no principal office, at the building in which the meeting is to be held, and at least three (3) other separate, prominent places within the jurisdiction of the City Council, to wit:

- (i) City Clerk's Bulletin Board
City Hall Plaza
2nd Floor Skybridge
Las Vegas, Nevada
- (ii) Bulletin Board
City Hall Plaza (next door to Metro Records)
Las Vegas, Nevada
- (iii) Las Vegas Library
833 Las Vegas Boulevard North
Las Vegas, Nevada
- (iv) Clark County Government Center
500 South Grand Central Parkway
Las Vegas, Nevada
- (v) Grant Sawyer Building
555 E Washington Avenue
Las Vegas, Nevada

(b) By mailing a copy of the notice by 9:00 a.m. no later than three (3) working days before the meetings to each person, if any, who has requested notice of the meetings of the City Council in the same manner in which notice is required to be mailed to a member of the City Council

6. A copy of such notice so given of the meeting of the City Council on April 18, 2007, is attached to this certificate as Exhibit A and a copy of the notice so given of the meeting of the City Council on May 16, 2007, is attached to this certificate as Exhibit B.

7. Upon request, the governing body provides, at no charge, at least one copy of the agenda for its public meetings, any proposed ordinance or regulation which will be discussed at the public meeting, and any other supporting materials provided to the members of the governing body for an item on the agenda, except for certain confidential materials and materials pertaining to the closed meetings, as provided by law.

IN WITNESS WHEREOF, I have hereunto set my hand on this May 16, 2007.

(SEAL)

BEVERLY K BRIDGES, CMC, Acting City Clerk

EXHIBIT A

(Attach Copy of Notice of April 18, 2007 Meeting)

EXHIBIT B

(Attach Copy of Notice of May 16, 2007 Meeting)

AGENDA SUMMARY PAGE
RECOMMENDING COMMITTEE MEETING OF: MAY 1, 2007

DEPARTMENT: CITY ATTORNEY

DIRECTOR: BRADFORD R. JERBIC

☐ Consent ☒ Discussion

SUBJECT:

NEW BILL:

Bill No. 2007-16 – Annexation No. ANX-10156 – Property location: Within the area bounded by Clark County Highway 215 on the east, Washburn Road on the south, Puli Road on the west, and Centennial Parkway on the north; Petitioned by Southwest Desert Equities, LLC, et al.; Acreage: Approximately 245 acres; Zoned: R-U (County zoning), U (PF-CC), U (PCD) and U (ROW) (City equivalents). Sponsored by: Councilman Steven D. Ross

Fiscal Impact

☒

No Impact

☐

Augmentation Required

☐

Budget Funds Available

Amount:

Funding Source:

Dept./Division:

PURPOSE/BACKGROUND:

The proposed ordinance annexes certain real property generally located within the area bounded by Clark County Highway 215 on the east, Washburn Road on the south, Puli Road on the west, and Centennial Parkway on the north. The annexation is at the request of a property owner and the City, with a statement of non-objection having been filed by the Bureau of Land Management and Clark County as additional owners. The annexation process has now been completed in accordance with the NRS and the final date of annexation (June 8, 2007) is set by this ordinance.

RECOMMENDATION:

This bill should be submitted to a Recommending Committee for review, hearing and recommendation to the City Council for final action.

BACKUP DOCUMENTATION:

Bill No. 2007-16 and location map

Motion made by LOIS TARKANIAN to Approve as a Do Pass

Passed For: 2; Against: 0; Abstain: 0; Did Not Vote: 0; Excused: 0

LOIS TARKANIAN, STEVEN D. ROSS; (Against-None); (Abstain-None); (Did Not Vote-None); (Excused-None)

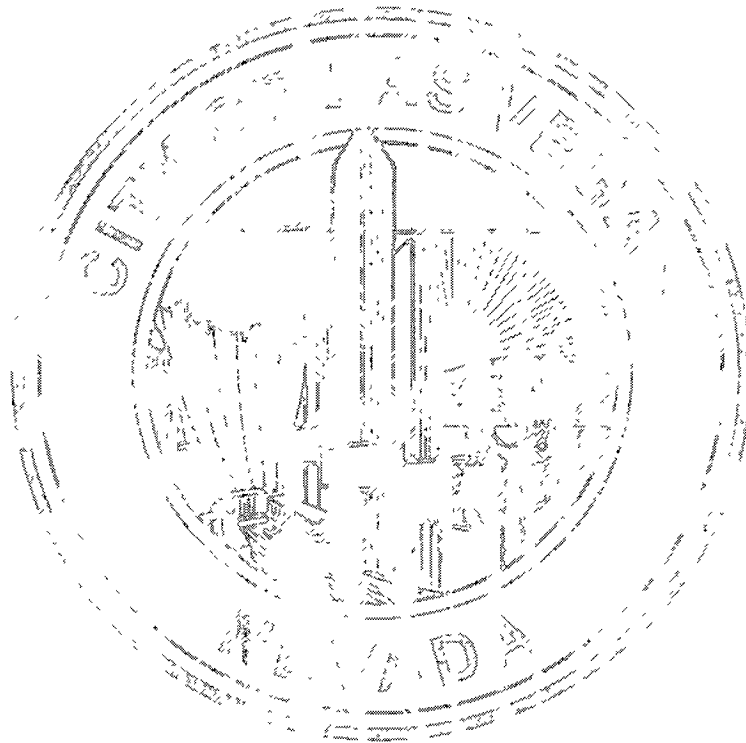
Minutes:

COUNCILMAN ROSS declared the Public Hearing open.

RECOMMENDING COMMITTEE MEETING OF: MAY 1, 2007

CHIEF DEPUTY CITY ATTORNEY STEED said this owner-petitioned annexation underwent a long process, because of State Law and how it addresses contiguity. This is the final step. He recommended approval

COUNCILMAN ROSS declared the Public Hearing closed.



1
2
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7
8 **BILL NO. 2007-16**

9 **ORDINANCE NO. _____**

10 AN ORDINANCE TO EXTEND THE BOUNDARIES OF THE CITY, TO
11 PARTICULARLY DESCRIBE THE LAND TO BE ANNEXED, TO MAKE ITS
12 INHABITANTS SUBJECT TO THE LAWS, OBLIGATIONS AND BENEFITS OF THE
CITY, AND TO PROVIDE FOR OTHER RELATED MATTERS. (ANX-10156)

13 Sponsored by: Councilman Steven D. Ross Summary: Annexes property described
14 generally as located within the area bounded
15 by Clark County Highway 215 on the East,
16 Washburn Road on the south, Puli Road on
the west, and Centennial Parkway on the
north.

17 THE CITY COUNCIL OF THE CITY OF LAS VEGAS DOES HEREBY
18 ORDAIN AS FOLLOWS:

19 SECTION 1: The corporate limits of the City of Las Vegas, Nevada, are
20 hereby extended to annex, include, and make a part of the City of Las Vegas, Nevada, the
21 following described real property:

22 Those portions of the West Half (W 1/2) of Section 25, and the North Half
23 (N 1/2) of Section 36, Township 19 South, Range 59 East, M.D.M., in
24 County of Clark, State of Nevada, as shown on "RECORD OF SURVEY -
ANNEXATION PLAT" recorded October 9, 2006 in Survey File 160, Page
62 of Clark County, Nevada Records, described as follows:

25 BEGINNING at the quarter corner common to Section 35 and Section 36,
26 Township 19 South, Range 59 East, M.D.M.; thence along the west line of
27 the Northwest Quarter (NW 1/4) of said Section 36, North 00°11'22" West
28 1333.44 feet to the north sixteenth section corner, common to said Section 35
and Section 36; thence departing said west line, North 89°25'29" East 336.75
feet; thence North 00°10'04" West 667.00 feet; thence South 89°22'37" West
337.01 feet returning to said West line; thence along said west line,

1 North 00°11'22" West 666.72 feet to the section corner common to said
2 Section 35 and 36, and to Section 25 and 26; thence along the west line of the
3 Southwest Quarter (SW 1/4) of said Section 25, North 00°25'02" West
4 665.57 feet; thence departing the west line of said Southwest Quarter
5 (SW 1/4), North 89°16'43" East 337.20 feet; thence South 00°25'23" East
6 665.87 feet to the south line of the Southwest Quarter (SW 1/4) of said
7 Section 25; thence departing said south line, South 00°10'04" East 667.00
8 feet; thence North 89°22'37" East 337.01 feet; thence North 00°08'45" West
9 667.28 feet returning to the south line of the Southwest Quarter (SW 1/4) of
10 said Section 25; thence departing said south line, North 00°25'44" West
11 1332.33 feet; thence South 89°13'42" West 674.27 feet to the South sixteenth
12 corner common to Section 25 and Section 26; thence along the west line of
13 said Southwest Quarter (SW 1/4), North 00°25'02" West 665.57 feet; thence
14 departing said west line North 89°09'23" East 674.17 feet; thence
15 North 00°25'33" West 666.42 feet to the north line of the Southwest Quarter
16 (SW 1/4) of said Section 25; thence departing said north line,
17 North 00°34'06" West 1335.26 feet; thence North 00°34'04" West 667.27
18 feet; thence North 89°00'42" East 676.07 feet; thence North 00°30'37" West
19 667.32 feet to the west sixteenth section corner common to Section 24 and
20 Section 25, Township 19 South, Range 59 East, M.D.M., on the centerline of
21 CENTENNIAL PARKWAY; thence along said centerline and the north line
22 of the Northwest Quarter (NW 1/4) of said Section 25, North 89°00'28" East
23 317.75 feet to the intersection with the westerly line of the I-215 LAS
24 VEGAS BELTWAY, being the beginning of a non-tangent curve, concave
25 southeasterly, having a radius of 3175 feet, the radial line through said
26 beginning bears North 66°00'47" West; thence southwesterly departing said
27 north line and along the westerly line of said I-215 through a central angle of
28 24°25'21" and an arc length of 1353.36 feet; thence continuing along said
westerly line, South 00°26'08" East 2028.11 feet; thence departing said
westerly line, South 89°09'34" West 30.14 feet; thence South 89°09'23" West
337.09 feet; thence South 00°25'48" East 666.84 feet; thence
North 89°13'42" East 337.13 feet to the southwest sixteenth section corner of
said Section 25; thence North 89°13'00" East 30.15 feet returning to said
westerly line of said I-215; thence along said westerly line,
South 00°26'08" East 198.29 feet to the beginning of a curve, concave
northeasterly, having a radius of 3175.00 feet; thence southeasterly along said
westerly line through a central angle of 54°09'51" and an arc length of
3001.46 feet; thence South 54°35'59" East 844.74 feet to the beginning of a
curve, concave southwesterly, having a radius of 2825.00 feet; thence
southeasterly along said westerly line through a central angle of 20°45'15"
and an arc length of 1023.30 feet to the south line of the Southeast Quarter
(SE 1/4) of the Northeast Quarter (NE 1/4) of said Section 36; thence along
said south line, South 89°29'03" West 57.14 feet to the east sixteenth center
section corner of said Section 36; thence along the south line of the
Southwest Quarter (SW 1/4) of the Northeast Quarter (NE 1/4) of said
Section 36, South 89°29'40" West 1348.00 feet to the center quarter corner
of said Section 36; thence along the south line of the Southeast Quarter
(SE 1/4) of the Northwest Quarter (NW 1/4) of said Section 36,
South 89°29'12" West 1345.71 feet to the west sixteenth center section corner
of said Section 36; thence along the south line of the Southwest Quarter
(SW 1/4) of the Northwest Quarter (NW 1/4) of said Section 36,
South 89°31'18" West 1344.90 feet to the POINT OF BEGINNING.

BASIS OF BEARINGS: South 89°00'28" West being the north line of the
Northwest Quarter (NW 1/4) of Section 25, Township 19 South, Range 59

1 East, M.D.M., as shown on Record of Survey in File 124, Page 94 of Clark
2 County, Nevada Records.

3 Prepared by:
4 Brian Yu PLS,
5 731 S. Fourth Street,
6 Public Works, City of Las Vegas,
7 Las Vegas, NV 89101
8 byu@lasvegasnevada.gov

9 SECTION 2: The City Council hereby determines that the described territory
10 meets the requirements provided by law for annexation to the City for the following reasons:

11 (A) The area to be annexed was contiguous to the City's boundaries at the
12 time the annexation proceedings were instituted;

13 (B) More than one-eighth (1/8) of the aggregate external boundaries of the
14 area are contiguous to the City;

15 (C) The territory proposed to be annexed is not included within the
16 boundaries of another incorporated city or within the boundaries of any unincorporated town
17 as those boundaries existed as of July 1, 1983;

18 (D) The territory in question is eligible to be annexed to the City because:

19 (1) With respect to territory not owned by a governmental entity,
20 the owners of record of not less than 75 percent of the individual lots or parcels of land
21 within the territory have petitioned the City to annex the territory.

22 (2) With respect to territory owned by a governmental entity, the
23 City has received a written statement from the governmental entity indicating that it owns
24 the territory and does not object to the City's annexation of the territory.

25 (E) In compliance with the procedural requirements of NRS Chapter 268,
26 the City is authorized to annex the territory in question because:

27 (1) In accordance with NRS 268.584, the City Council, on
28 February 7, 2007, adopted a resolution of intent to annex, along with the form of a notice of
public hearing to be provided to property owners within the annexation area, and set a public
hearing for March 21, 2007.

(2) In accordance with NRS 268.578 and 268.588, the City

1 Council, on February 21, 2007, approved an annexation report and made it available for
2 inspection and copying thereafter.

3 (3) In accordance with NRS 268.586, the City mailed by certified
4 mail, return receipt requested, a copy of the notice of public hearing to the owners of the
5 property within the annexation area, as determined with reference to the records of the Clark
6 County Assessor.

7 (4) In accordance with NRS 268.586, the City had the notice of
8 public hearing published in a newspaper of general circulation within the territory to be
9 annexed, on three separate occasions in compliance with the requirements of NRS 268.586.

10 (5) In accordance with NRS 268.590, the City Council held a
11 public hearing on March 21, 2007, at which time persons who wished to be heard concerning
12 the matter were given that opportunity. During the public hearing, and within the 15-day
13 period following the public hearing, the number of persons who protested the annexation
14 (zero) was less than a "majority of the property owners" as defined by NRS 268.574(3).

15 (6) In accordance with NRS 268.592, because less than a majority
16 of the property owners protested the annexation, the territory may be annexed by the City.

17 SECTION 3: The City will provide police protection through the Las Vegas
18 Metropolitan Police Department, fire protection, street maintenance, and library services
19 immediately upon annexation. Garbage collection by the company franchised by the City
20 will also be provided immediately. The City sanitary sewer system will serve the proposed
21 annexation area. Any connection to or extension of this sewer line to serve the annexation
22 area shall be at the expense of the landowners. Other services, such as participation in the
23 City's recreational programs, special education classes and programs, public works planning,
24 building inspections, and other City services will also be available immediately. Utilities
25 such as gas, electricity, telephone, and water are provided by private utility companies and
26 other services to the area will not be affected by annexation. Street paving, curbs and gutters,
27 sidewalks and street lights which are not in place at the time of annexation will be installed
28 in the presently developed areas upon the request of the property owners and at their expense

1 by means of special assessment districts. Such improvements will be extended into the
2 undeveloped areas as development takes place and the need therefor arises, and will be
3 located according to the needs of the area at that time. Such installations will also be made
4 at the expense of the property owners, either by means of special assessment districts or as
5 prerequisites to the approval of subdivision plats, building permits or other land use or
6 development applications.

7 SECTION 4: The annexation of the described territory shall become
8 effective on the 8th of June, 2007, and on that date the City will have the funds appropriated
9 in sufficient amount to finance the extension into the described territory of police protection,
10 fire protection, street maintenance, street sweeping, and street lighting maintenance.

11 SECTION 5: The described territory, together with the inhabitants and
12 property thereof, shall, from and after the 8th day of June, 2007, be subject to all debts, laws,
13 ordinances and regulations in force in the City and shall be entitled to the same privileges and
14 benefits as other parts of the City, and shall be subject to municipal taxes levied by the City.

15 SECTION 6: The City Engineer is hereby instructed to cause to be prepared
16 an accurate map or plat of the described territory and to record the map or plat, together with
17 a certified copy of this ordinance, in the office of the County Recorder of Clark County,
18 Nevada, which recording shall be done prior to the 8th day of June, 2007.

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1 SECTION 7: The described territory, which previously has been zoned R-U
2 (County of Clark classification), is hereby classified with the City of Las Vegas
3 classifications that are set forth below, which are deemed to be the equivalents of the County
4 classification:

PROPERTY DESCRIPTION (BY APN)	CITY CLASSIFICATION
126-25-201-009 126-25-401-019	U (PF-CC)
126-25-201-002 126-25-401-007 126-25-401-009 126-25-401-010 126-36-101-001 126-36-101-003 126-36-101-004 126-36-101-007 126-36-101-008 126-36-101-009 126-36-201-001	U (PCD)
All other parcels	U (ROW)

15 SECTION 8: If any section, subsection, subdivision, paragraph, sentence,
16 clause or phrase in this ordinance or any part thereof is for any reason held to be
17 unconstitutional or invalid or ineffective by any court of competent jurisdiction, such
18 decision shall not affect the validity or effectiveness of the remaining portions of this
19 ordinance or any part thereof. The City Council of the City of Las Vegas hereby declares that
20 it would have passed each section, subsection, subdivision, paragraph, sentence, clause or
21 phrase thereof irrespective of the fact that any one or more sections, subsections,
22 subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional, invalid
23 or ineffective.

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1 SECTION 9: All ordinances or parts of ordinances or sections, subsections,
2 phrases, sentences, clauses or paragraphs contained in the Municipal Code of the City of Las
3 Vegas, Nevada, 1983 Edition, in conflict herewith are hereby repealed.

4 PASSED, ADOPTED and APPROVED this ____ day of _____,
5 2007.

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7 APPROVED:

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9 By: _____
10 OSCAR B. GOODMAN, Mayor

11 ATTEST:

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13 _____
14 BEVERLY BRIDGES, Acting City Clerk

15 APPROVED AS TO FORM:

16 Val Steed 4-4-07
17 Date

1 The above and foregoing ordinance was first proposed and read by title to the Council on the
2 ____ day of _____, 2007, and referred to the following committee
3 composed of _____ and _____ for recommendation;
4 thereafter the said committee reported favorably on said ordinance on the ____ day of
5 _____, 2007, which was a _____ meeting of said Council; that
6 at said _____ meeting, the proposed ordinance was read by title to the City
7 Council as first introduced and adopted by the following vote:

8 VOTING "AYE": _____

9 VOTING "NAY": _____

10 ABSENT: _____

11 APPROVED:

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13 By _____
14 OSCAR B. GOODMAN, Mayor

15 ATTEST:

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17 BEVERLY BRIDGES, Acting City Clerk

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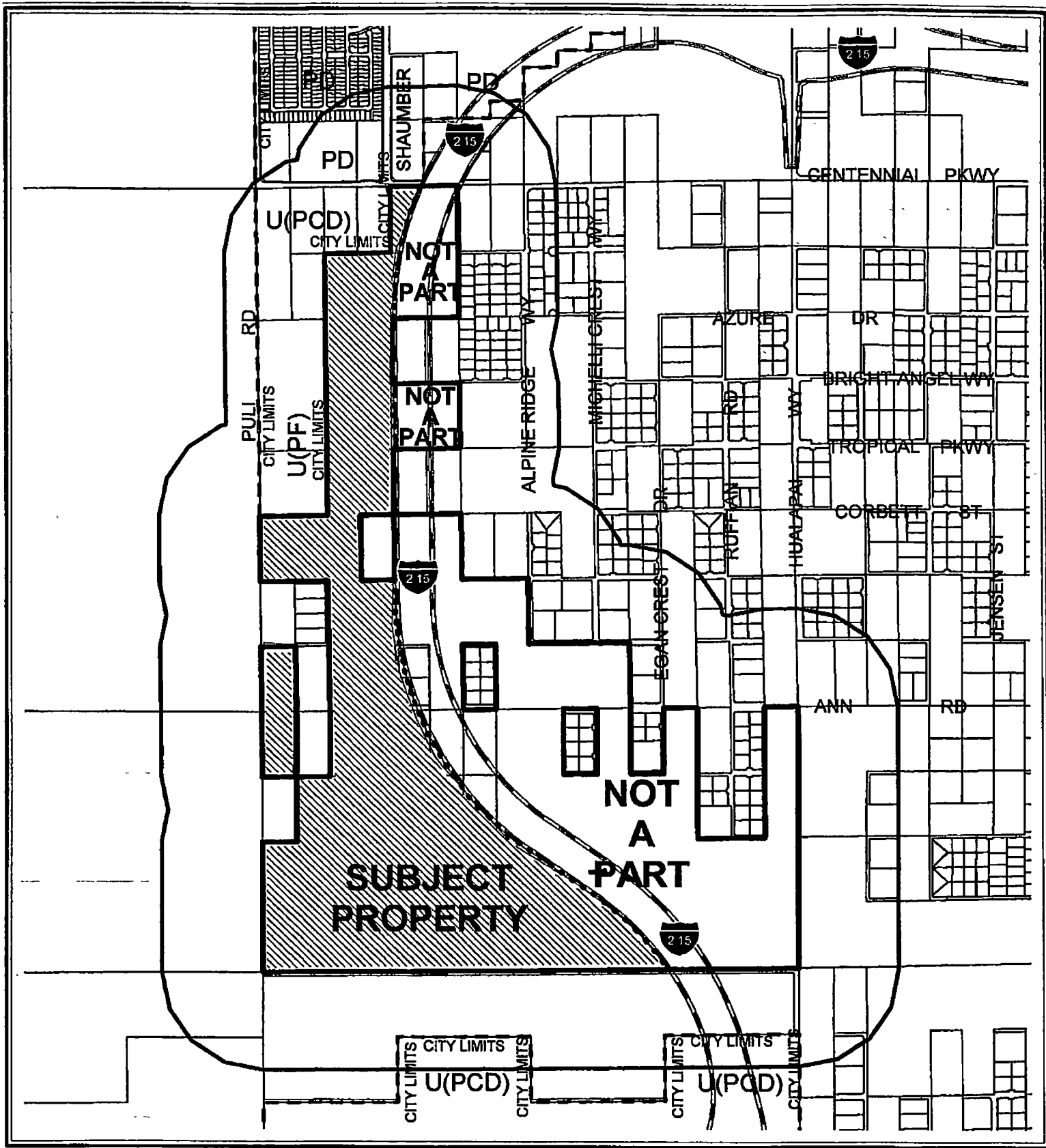
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CASE: ANX-10156
RADIUS: 1000 FT

0 2000 4000 Feet



AGENDA SUMMARY PAGE

RECOMMENDING COMMITTEE MEETING OF: MAY 1, 2007

DEPARTMENT: CITY ATTORNEY

DIRECTOR: BRADFORD R. JERBIC

☐ Consent ☒ Discussion

SUBJECT:

NEW BILL:

Bill No. 2007-17 – Amends the Town Center Development Standards Manual to allow consignment sales in the GC-TC and SC-TC Zoning Districts, by means of special use permit, as a limited type of secondhand dealer. Sponsored by: Councilman Steven D. Ross

Fiscal Impact



No Impact



Augmentation Required



Budget Funds Available

Amount:

Funding Source:

Dept./Division:

PURPOSE/BACKGROUND:

It has been proposed to allow consignment sales in Town Center, specifically in the GC-TC and SC-TC Zoning Districts. In order to use existing licensing and zoning categories, the use will be treated as a limited type of secondhand dealer use, allowable only by means of special use permit. Specific conditions related to the manner and hours of operation will be imposed on any special use permit in order to ensure compatibility of the use.

RECOMMENDATION:

This bill should be submitted to a Recommending Committee for review, hearing and recommendation to the City Council for final action.

BACKUP DOCUMENTATION:

Bill No. 2007-17

Motion made by LOIS TARKANIAN to Approve as a Do Pass

Passed For: 2; Against: 0; Abstain: 0; Did Not Vote: 0; Excused: 0

LOIS TARKANIAN, STEVEN D. ROSS; (Against-None); (Abstain-None); (Did Not Vote-None); (Excused-None)

Minutes:

COUNCILMAN ROSS declared the Public Hearing open.

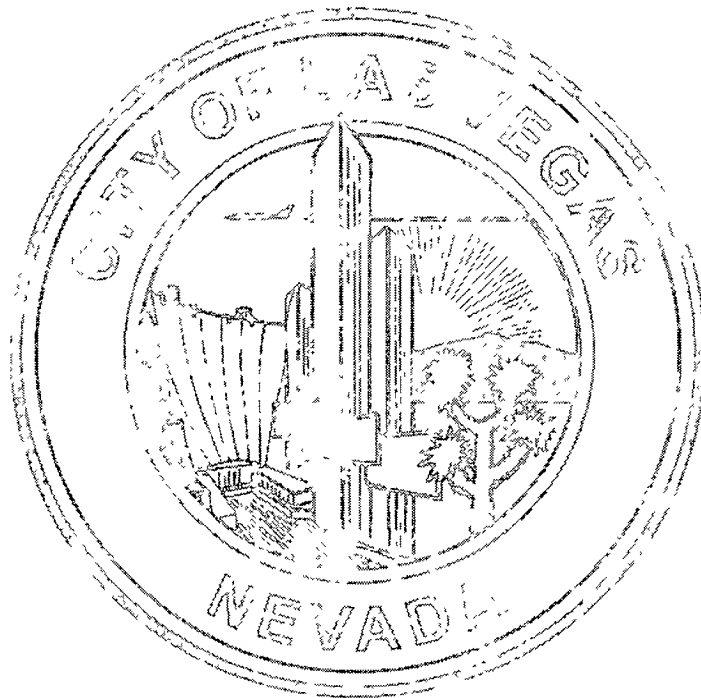
COUNCILMAN ROSS restated that rather than rewriting the Town Center standards, the proposed limitations were recommended to allow consignment furniture sales. He certainly does not want anymore secondhand dealers or pawnshops, as Las Vegas is already saturated with such uses. He requested approval.

RECOMMENDING COMMITTEE MEETING OF: MAY 1, 2007

TOM McGOWAN questioned the difference between traditional and non-traditional secondhand dealers, noting that there is a typical gypsy wagon near the Neonopolis. The City should examine it closely before it becomes a problem.

CHIEF DEPUTY CITY ATTORNEY STEED stated that Town Center has its own use standards, which do not allow consignment sales. The manual is being amended to allow consignment sales by means of secondhand dealers. Understanding that typical secondhand dealers are not allowed, the provisions reflect the very limited type of use that will be allowed through a very specific process. He recommended approval.

COUNCILMAN ROSS declared the Public Hearing closed



BILL NO. 2007-17

ORDINANCE NO. _____

AN ORDINANCE TO AMEND THE TOWN CENTER DEVELOPMENT STANDARDS TO ALLOW CONSIGNMENT SALES IN THE GC-TC AND SC-TC ZONING DISTRICTS, BY MEANS OF SPECIAL USE PERMIT, AS A LIMITED TYPE OF SECONDHAND DEALER, AND TO PROVIDE FOR OTHER RELATED MATTERS.

Sponsored by: Councilman Steven D. Ross

Summary: Amends the Town Center Development Standards Manual to allow consignment sales in the GC-TC and SC-TC Zoning Districts, by means of special use permit, as a limited type of secondhand dealer.

THE CITY COUNCIL OF THE CITY OF LAS VEGAS DOES HEREBY ORDAIN
AS FOLLOWS:

SECTION 1: The Town Center Development Standards Manual, adopted under Section 19.06.110(B) of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended as set forth in Sections 2 and 3 of this Ordinance.

SECTION 2: Section B.2 of the Manual is amended by amending the Permitted Uses Matrix, identified therein as Table 1, to add a new row for the use "Secondhand Dealer," to read as follows:

USES	GC	SC	UC	SX	MS	EC	L	ML	MLA	M	PF
Secondhand Dealer	S	S									

SECTION 3: Section B.4.B of the Manual is amended by adding, at the appropriate location, the use category "Secondhand Dealer," to read as follows:

SECONDHAND DEALER

- a. The use may be operated for consignment sales only.
- b. Only the following merchandise may be sold: jewelry (Class III), furniture, fixtures, tableware, pictures and paintings.
- c. Payment to the consignor for consigned merchandise may not be made until after the merchandise has been sold.
- d. No outdoor displays, sales or storage of any merchandise shall be permitted.

- 1 e. The hours of operation shall be limited to the hours between 8:00 a.m. and 10:00 p.m.,
2 unless otherwise specified by the City Council.
3 f. The use shall comply with the applicable requirements of LVMC Title 6.
4 g. The conditions listed above are not waivable development standards under the
5 provisions of the Town Center Development Standards Manual.

6 SECTION 4: The Planning and Development Department is authorized and directed
7 to incorporate into the Manual the amendments made by this Ordinance. Regarding the amendment
8 made by Section 3, the Department is authorized to insert and number the new use category either at
9 the end of the categories listed or so as to appear alphabetically. If the latter, the Department is
10 authorized and directed to renumber use categories appropriately and make such other corrections as
11 may be necessary throughout the Manual to reflect the change in renumbering.

12 SECTION 5: If any section, subsection, subdivision, paragraph, sentence, clause or
13 phrase in this ordinance or any part thereof is for any reason held to be unconstitutional or invalid or
14 ineffective by any court of competent jurisdiction, such decision shall not affect the validity or
15 effectiveness of the remaining portions of this ordinance or any part thereof. The City Council of the
16 City of Las Vegas hereby declares that it would have passed each section, subsection, subdivision,
17 paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more sections,
18 subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional,
19 invalid or ineffective.

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SECTION 6: All ordinances or parts of ordinances or sections, subsections, phrases, sentences, clauses or paragraphs contained in the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, in conflict herewith are hereby repealed.

PASSED, ADOPTED and APPROVED this _____ day of _____, 2007.

APPROVED:

By OSCAR B. GOODMAN, Mayor

ATTEST:

BEVERLY BRIDGES, Acting City Clerk

APPROVED AS TO FORM:

Vin Steel 4.4-07
Date

1 The above and foregoing ordinance was first proposed and read by title to the City Council on the
2 ____ day of _____, 2007, and referred to the following committee composed of
3 _____ and _____ for recommendation;
4 thereafter the said committee reported favorably on said ordinance on the ____ day of
5 _____, 2007, which was a _____ meeting of said Council; that at said
6 _____ meeting, the proposed ordinance was read by title to the City Council
7 as first introduced and adopted by the following vote:

8 VOTING "AYE": _____

9 VOTING "NAY": _____

10 ABSENT: _____

11

12 APPROVED:

13

14 By _____
OSCAR B. GOODMAN, Mayor

15 ATTEST:

16

17 BEVERLY BRIDGES, Acting City Clerk

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AGENDA SUMMARY PAGE
RECOMMENDING COMMITTEE MEETING OF: MAY 1, 2007

DEPARTMENT: CITY ATTORNEY

DIRECTOR: BRADFORD R. JERBIC

☐ Consent ☒ Discussion

SUBJECT:

NEW BILL:

Bill No. 2007-18 – Requires in certain buildings a minimum level of support for radio coverage for emergency service personnel. Sponsored by: Councilman Steven D. Ross

Fiscal Impact



No Impact



Augmentation Required



Budget Funds Available

Amount:

Funding Source:

Dept./Division:

PURPOSE/BACKGROUND:

Emergency service personnel have varying degrees of success in receiving and sending radio communications within certain types of multi-story residential and commercial occupancies. This bill would require such buildings to provide a minimum level of support for radio coverage for emergency service personnel. Input from emergency service agencies and from building industry representatives has been provided. The bill would apply to both new and existing buildings; existing buildings would be given time to be brought into compliance following notice from the City.

RECOMMENDATION:

This bill should be submitted to a Recommending Committee for review, hearing and recommendation to the City Council for final action.

BACKUP DOCUMENTATION:

1. Bill No 2007-18
2. Business Impact Statement
3. Submitted at meeting - copy of written comments by Tom McGowan

Motion made by LOIS TARKANIAN to Approve as a Do Pass

Passed For: 2; Against: 0; Abstain: 0; Did Not Vote: 0; Excused: 0

LOIS TARKANIAN, STEVEN D. ROSS; (Against-None); (Abstain-None); (Did Not Vote-None); (Excused-None)

Minutes:

COUNCILMAN ROSS declared the Public Hearing open.

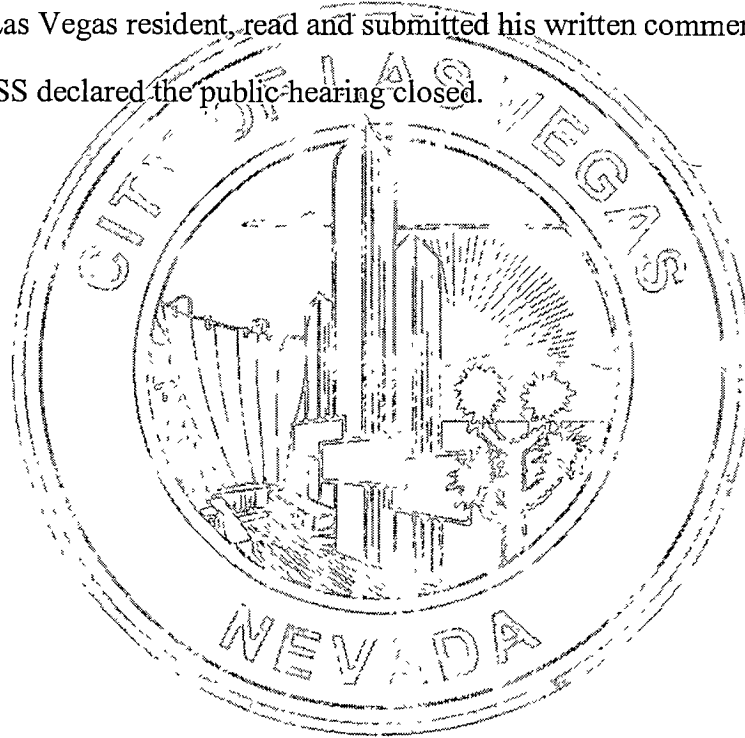
RECOMMENDING COMMITTEE MEETING OF: MAY 1, 2007

CHIEF DEPUTY CITY ATTORNEY STEED indicated this bill would apply to any building more than four stories in height, with the exception of single-family homes. It requires the ability to accomplish certain kinds of communications by radio coverage. It applies to all new and existing construction, upon notice from the City to comply. Existing structures will be given one year to comply, unless otherwise specified in the notice. Ample discussion of this bill was held with representatives of the development industry, and a Business Impact Statement was prepared. He recommended approval.

COUNCILMAN ROSS commented that this bill is in response to the various communication issues experienced on 9-11. All of the concerning entities were heavily involved in crafting it. He asked DAVID RIGGLEMAN, Director of Communications, to notify the news of the City's efforts to create a safer environment, should this bill pass.

TOM McGOWAN, Las Vegas resident, read and submitted his written comments.

COUNCILMAN ROSS declared the public hearing closed.



BILL NO. 2007-18

ORDINANCE NO. _____

AN ORDINANCE TO REQUIRE IN CERTAIN BUILDINGS A MINIMUM LEVEL OF SUPPORT FOR RADIO COVERAGE FOR EMERGENCY SERVICE PERSONNEL, AND TO PROVIDE FOR OTHER RELATED MATTERS.

Sponsored by: Councilman Steven D. Ross

Summary: Requires in certain buildings a minimum level of support for radio coverage for emergency service personnel.

**THE CITY COUNCIL OF THE CITY OF LAS VEGAS DOES HEREBY ORDAIN
AS FOLLOWS:**

SECTION 1: Title 16 of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended by adding thereto a new chapter, designated as Chapter 18, consisting of Sections 10 to 50, inclusive, reading as follows:

16.18.010: Except as otherwise provided in this Chapter, all buildings (new or existing) that are more than four stories in height shall provide support for adequate radio coverage for emergency service personnel. For purposes of this Section, "support for adequate radio coverage for emergency service personnel" means any combination of building design and signal amplification systems that meets all of the following criteria:

(A) There must be a minimum signal strength of one microvolt (- 95 dBm) available in 95% of the area of each floor of the building, with a Delivered Audio Quality (DAQ) of 3 when transmitted from a public safety radio communication system. For purposes of this Subsection, a DAQ of 3 means that transmitted speech is understandable with no more than slight effort, and no more than occasional repetition is required because of noise or distortion;

(B) The radio frequency ranges which must be supported are the 700 and 800 megahertz public safety bands;

(C) Any signal amplification system must:

(1) Include filters to reject frequencies below and above the designated public safety bands by a minimum of 35 dB;

(2) Be 100% compatible with analog or digital modulations after installation without additional adjustment or modification; and

1 (3) Have a 95% reliability factor;

2 (D) Any signal amplification system that contains an electrically powered
3 component must be capable of operating on an independent battery or generator system, or
4 combination thereof, for a period of at least twelve hours, without external power input; and

5 (E) The combination of building design and signal amplification systems must first
6 be approved by the Las Vegas Metropolitan Police Department and the City's Department of Fire and
7 Rescue:

8 (1) For proposed or new construction, prior to the approval of final plans;
9 and

10 (2) For existing construction, in order to achieve and maintain compliance
11 with this Chapter.

12 **16.18.020:** Subject to compliance with Section 16.18.010, radio signal amplification systems that
13 may be used under this Chapter include radiating cable systems, internal multiple antenna system with
14 FCC certificated bi-directional amplifiers as needed, and other FCC-approved technology.

15 **16.18.030:** (A) For new construction, initial testing for compliance with Section 16.18.010 will
16 be performed by the Department of Fire and Rescue or its authorized designee. A certificate of
17 occupancy may be withheld by the Department of Building and Safety if a structure fails to comply.

18 (B) For existing construction, initial testing and periodic testing for compliance
19 (annual or otherwise) will be performed by the Department of Fire and Rescue or its authorized
20 designee, independently or in conjunction with regular inspection procedures.

21 **16.18.040:** In addition to the testing provided for in Section 16.18.030, representatives of the Las
22 Vegas Metropolitan Police Department and the Department of Fire and Rescue may enter upon
23 property at any time to conduct testing of existing buildings to determine compliance with this
24 Chapter. Any such testing must be done upon reasonable notice to the owner or the owner's
25 representative, and in accordance with law.

26 **16.18.050:** This Chapter does not apply to:

27 (A) Any one or two-family dwelling subject to the International Residential Code,
28 as adopted by the City; or

1 (B) Any R-3 or R-4 occupancy as defined in the International Building Code, as
2 adopted by the City.

3 SECTION 2: Buildings that are existing on the date of the adoption of this Ordinance
4 and are not in compliance with the requirements of this Ordinance shall be brought into compliance
5 within one year after written notice from the City to do so, or within such other period specified in the
6 notice.

7 SECTION 3: If any section, subsection, subdivision, paragraph, sentence, clause or
8 phrase in this ordinance or any part thereof is for any reason held to be unconstitutional or invalid or
9 ineffective by any court of competent jurisdiction, such decision shall not affect the validity or
10 effectiveness of the remaining portions of this ordinance or any part thereof. The City Council of the
11 City of Las Vegas hereby declares that it would have passed each section, subsection, subdivision,
12 paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more sections,
13 subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional,
14 invalid or ineffective.

15 SECTION 4: Whenever in this ordinance any act is prohibited or is made or declared
16 to be unlawful or an offense or a misdemeanor, or whenever in this ordinance the doing of any act is
17 ~~required or the failure to do any act is made or declared to be unlawful or an offense or a~~
18 ~~misdemeanor, the doing of such prohibited act or the failure to do any such required act shall~~
19 ~~constitute a misdemeanor and upon conviction thereof, shall be punished by a fine of not more than~~
20 ~~\$1,000.00 or by imprisonment for a term of not more than six months, or by any combination of such~~
21 ~~fine and imprisonment. Any day of any violation of this ordinance shall constitute a separate offense.~~

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1 SECTION 5: All ordinances or parts of ordinances or sections, subsections, phrases,
2 sentences, clauses or paragraphs contained in the Municipal Code of the City of Las Vegas, Nevada,
3 1983 Edition, in conflict herewith are hereby repealed.

4 PASSED, ADOPTED and APPROVED this _____ day of _____, 2007.

5 APPROVED:

6
7 By _____
8 OSCAR B. GOODMAN, Mayor

9 ATTEST:

10 _____
11 BEVERLY BRIDGES, Acting City Clerk

12 APPROVED AS TO FORM:

13 Val Steed 4-4-07
14 Date

1 The above and foregoing ordinance was first proposed and read by title to the City Council on the
2 ____ day of _____, 2007, and referred to the following committee composed of
3 _____ and _____ for recommendation;
4 thereafter the said committee reported favorably on said ordinance on the ____ day of
5 _____, 2007, which was a _____ meeting of said Council; that at said
6 _____ meeting, the proposed ordinance was read by title to the City Council
7 as first introduced and adopted by the following vote:

8 VOTING "AYE": _____

9 VOTING "NAY": _____

10 ABSENT: _____

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12 APPROVED:

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14 By _____
OSCAR B. GOODMAN, Mayor

15 ATTEST:

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17 BEVERLY BRIDGES, Acting City Clerk

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BUSINESS IMPACT STATEMENT
BILL NO. 2007-18

**(Requires in certain buildings a minimum level of support for
radio coverage for emergency service personnel)**

This business impact statement was prepared pursuant to NRS 237.090 to address the impact of a proposed ordinance, Bill No. 2007-18, that will require in certain buildings a minimum level of support for radio coverage for emergency service personnel.

1. The following constitutes a description of the manner in which comment was solicited from affected businesses, a summary of their responses and an explanation of the manner in which other interested persons may obtain a copy of the summary.

In addition to informal discussions with interested parties, notice of the proposed ordinance and an invitation to respond was sent to a number of representative building industry and development groups. No responses to the invitation were received by the City.

2. The estimated economic effect of the proposed rule on businesses, including, without limitation, both adverse and beneficial effects, and both direct and indirect effects:

Adverse effects:

Possible increased costs in building construction or retrofitting for businesses owning or occupying affected buildings.

Beneficial effects:

Increased safety and security for building occupants and visitors because of enhanced radio operability for emergency service personnel.

Direct effects:

Possible increased costs in building construction or retrofitting for businesses owning or occupying affected buildings.

Indirect effects:

Increased safety and security for building occupants and visitors because of enhanced radio operability for emergency service personnel.

3. The following constitutes a description of the methods the local government considered to reduce the impact of the proposed rule on businesses and a statement regarding whether any, and if so which, of these methods were used:

The original proposal was modified to apply to fewer buildings so as to minimize the number of businesses potentially impacted.

4. The governing body estimates the annual cost to the local government for enforcement of the proposed rule is:

No additional cost for enforcement.

5. If the proposed rule provides for a new fee or increases an existing fee, the total annual amount expected to be collected is:

No additional fees.

6. If the proposed rule provides for a new fee or increases an existing fee, the money generated by the new fee or increase in existing fee will be used by the local government to:

Not applicable.

7. If the proposed rule includes provisions that duplicate or are more stringent than federal, state or local standards regulating the same activity, the following explains why such duplicative or more stringent provisions are necessary:

The provisions of this ordinance, to the extent that they duplicate or are more stringent than federal, state or local standards regulating the same activity, are deemed necessary in order to provide adequate and responsible emergency service response.

--- ---Date: April 3, 2007

TM/REC'D CTTEE MTS. [4P TUES.] MAY, '07 (8m flr) (CH: L. TARRAGHAN)
CND S. ROSS

PUBLIC COMMENT: - (CAUTION SUMMARY NOTES) ~
(PRIOR TO 'TAKING') ~

WITHOUT BEING FACETIOUS,
IT'S APPARENT THE CITY ATTORNEY'S EXHAUSTIVE PRESENTATION
INCLUDES EVERYTHING BUT A PUBLIC APPEAL TO THE
ALLEGED PERPETRATORS. ~ IN CONTRAST;

Item # 3. TOM MCGOWN; LAS VEGAS RESIDENT. ~ ITS REASONABLE TO ASSUME ANY GROUP OF
TWO(2) OR MORE PERSONS ENGAGED IN UNLAWFUL ACTIVITY IS AN 'UNLAWFUL GATHERING'.

EXAMPLES INCLUDE: ~

* HUNDREDS OF THOUSANDS ENGAGED IN A POLITICAL DEMONSTRATION SUPPORTIVE OF ILLEGAL
ALIENS, AND DISRUPTING VEHICULAR TRAFFIC;

* CROWDED 'FIRST FRIDAYS' IN THE ARTS DISTRICT, INCLUSIVE OF: UNDERAGE DRINKING; PUBLIC
NUISANCE; VIOLATIONS OF CITY CODES; VANDALISM; ADA NON-COMPLIANCE; ARMED ROBBERY; AND
THE DISCONTINUATION OF PUBLIC MASS TRANSIT SERVICES.

AS USED IN THE BILL, THE TERM: 'PROHIBITS' IMPLIES MANDATORY INVESTIGATION AND PROSECUTION
IN ACCORDANCE WITH APPLICABLE LAW. I RECOMMEND A POLICY OF 'ZERO TOLERANCE' IN
THE BEST PUBLIC INTEREST INCLUSIVELY. AND PERTINENT PUBLIC OFFICIALS SHOULD BE HELD
RESPONSIBLE, ACCOUNTABLE AND LIABLE, TO THE FULL EXTENT OF THE LAW. VALID STATUS

AS A 'WORLD CLASS' CITY REQUIRES A POPULATION COMPRISED OF 'WORLD CLASS' PUBLIC AND
PRIVATE SECTORS, ~ AND THAT REQUIRES 'WORLD CLASS' OFFICIAL LEADERSHIP, TO SET
A POSITIVE ROLE MODEL EXAMPLE, ~ RATHER THAN ONE THAT CONTRIBUTES TO THE DECLINE
OF THE STANDARD OF DECENCY THROUGHOUT SOCIETY AND GOVERNMENT.

THANK YOU.

Item # 7. TOM MCGOWN; LAS VEGAS RESIDENT. ~ HISTORICALLY, THE TERM: 'MINIMUM' IS EXPEDIENTLY
SUBJECT TO CONSTRUCTION AS A 'MAXIMUM'. I RECOMMEND THE BILL INCLUDE PROVISION FOR
A DISCRETIONARY 'UPSIDE OPEN END' 'MAXIMUM', WITHIN REASONABLE LIMITATIONS. ~ THANK YOU.

Item # 8. TOM MCGOWN; LAS VEGAS RESIDENT. ~ AS PREVIOUSLY STATED TO THE DESIGN REVIEW
COMMITTEE AND OTHER PUBLIC AGENCIES, ~ 14 OF THE 18 HISTORIC COMMEMORATIVE
MEDALLIONS EMPLACED IN THE PEDESTRIAN SIDEWALK ARE INCORRECT, INCOMPLETE, AND ARE NOT
DIRECTLY RELATABLE TO ANY OF THE PRIVATE PROPERTIES LOCATED IN 'FREMONT EAST'.
IF APPROVED, THE BILL CONSTITUTES MISFEASANCE OF PUBLIC OFFICE AND MISFEASANCE OF
PUBLIC FUNDS, ON THE PART OF ALL PUBLIC OFFICIALS AND CITY EMPLOYEES DIRECTLY AND
INDIRECTLY CAUSAL AND CONTRIBUTIVE TO THE BILL, WHICH AT BEST IS GROSSLY AT VARIANCE
WITH FACT, AND, IN THE WORST CASE SCENARIO, ~ CONSTITUTES MISREPRESENTATION, FRAUD,
EXTORTION IN EXPEDIENT SERVICE TO A WHOLLY SUBJECTIVE AGENDA, AT BOTH PUBLIC AND PRIVATE
EXPENSE, AND ADVERSELY IMPACTIVE UPON THE GENUINE BEST PUBLIC INTEREST. ~ THANK YOU

Item # 10. CITIZENS PARTICIPATION ~

(CITY TEXT SUBMITTED AND REQUESTED INCLUSION IN THE MINUTES).

AGENDA SUMMARY PAGE
RECOMMENDING COMMITTEE MEETING OF: MAY 1, 2007

DEPARTMENT: CITY ATTORNEY

DIRECTOR: BRADFORD R. JERBIC

☐ Consent ☒ Discussion

SUBJECT:

NEW BILL

Bill No. 2007-19 – Authorizes the issuance of a local improvement district bond, Series 2007, for an amount not to exceed \$1,724,000 for Special Improvement District No. 1506 – Fremont Street Pedestrian Improvements (Las Vegas Boulevard to 8th Street). Proposed by: Mark R. Vincent, Director of Finance and Business Services

Fiscal Impact

☒

No Impact

☐

Augmentation Required

☐

Budget Funds Available

Amount: \$1,724,000

Funding Source: SID assessments in the respective district

Dept./Division: Finance and Business Services

PURPOSE/BACKGROUND:

In accordance with the Nevada Consolidated Local Improvements Law (NRS Chapter 271), the City intends to issue a registered local improvement district bond in connection with the acquisition of public improvements for property that is subject to Special Improvement District 1506. The principal amount of the bond will not exceed \$1,724,000 and will not constitute a debt of the City.

RECOMMENDATION:

This bill should be submitted to a Recommending Committee for review, hearing and recommendation to the City Council for final action.

BACKUP DOCUMENTATION:

1. Bill No. 2007-19
2. Submitted at meeting - copy of written comments by Tom McGowan

Motion made by LOIS TARKANIAN to forward to City Council with no recommendation

Passed For: 2; Against: 0; Abstain: 0; Did Not Vote: 0; Excused: 0

LOIS TARKANIAN, STEVEN D. ROSS; (Against-None); (Abstain-None); (Did Not Vote-None); (Excused-None)

Minutes:

COUNCILMAN ROSS declared the public hearing open.

RECOMMENDING COMMITTEE MEETING OF: MAY 1, 2007

DEPUTY CITY MANAGER HOUCHENS stated that this is part of the local improvement district bond related to the Fremont Street pedestrian improvements and part of the process for the issuance of the bonds. He recommended approval.

TOM McGOWAN, Las Vegas resident, read and submitted his written comments. He added that Wayne Newton and Frank Sinatra never appeared anywhere east of Fremont Street.

COUNCILWOMAN TARKANIAN indicated she had some questions; therefore, she preferred to forward this matter to the Council with no recommendation.

COUNCILMAN ROSS declared the public hearing closed



Summary - An ordinance authorizing a local improvement bond for the City of Las Vegas, Nevada, District No. 1506 – Fremont Street Pedestrian Improvements (Las Vegas Boulevard to 8th Street) in the aggregate principal amount of not to exceed \$1,724,000, and providing other matters related thereto.

BILL NO. 2007-19
ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING THE ISSUANCE OF A REGISTERED LOCAL IMPROVEMENT DISTRICT BOND, SERIES 2007, FOR THE CITY OF LAS VEGAS, NEVADA, SPECIAL IMPROVEMENT DISTRICT NO. 1506 – FREMONT STREET PEDESTRIAN IMPROVEMENTS (LAS VEGAS BOULEVARD TO 8TH STREET) TO FINANCE THE CONSTRUCTION OF LOCAL IMPROVEMENTS AND PROVIDING OTHER MATTERS RELATED THERETO.

WHEREAS, the City of Las Vegas in the State of Nevada (the “City” and “State,” respectively) is a political subdivision of the State, duly organized and operating as a city under the provisions of Nevada Revised Statutes (“NRS”) Chapter 268 and an act entitled “AN ACT incorporating the City of Las Vegas, in Clark County, Nevada, under a new charter; defining the boundaries thereof; and providing other matters properly relating thereto,” cited as Chapter 517, Statutes of Nevada 1983 (the “Charter”), and all laws amendatory thereof; and

WHEREAS, the City Council of the City (the “Council”), pursuant to an ordinance heretofore passed and adopted (the “District Ordinance”), created the City of Las Vegas, Nevada, Special Improvement District No. 1506 – Fremont Street Pedestrian Improvements (Las Vegas Boulevard to 8th Street) (the “District”), ordered the acquisition of certain local improvements for the District (the “Project”) and determined to defray a portion of the entire cost and expense of such improvements by special assessments, according to benefits, against the benefitted lots, tracts and parcels of land in the District; and

WHEREAS, the Council has by an ordinance heretofore passed and adopted (the “Assessment Ordinance”) levied assessments against the property benefitted by the Project; and

WHEREAS, the Council and the officers of the City have determined, and do hereby determine, that it is necessary and in the best interests of the City and the inhabitants thereof that the City issue its registered local improvement bond in an aggregate principal amount not exceeding the aggregate principal amount of such assessments levied against properties in the District as remains payable in installments on the date of delivery of the bond, except as otherwise provided in Nevada Revised Statutes (“NRS”) 271.360; and

WHEREAS, the Council has elected, and hereby elects, to have Chapter 348 of NRS apply to the bond issued for the District; and

WHEREAS, the bond issued for the District is to bear interest at the rate or rates per annum provided in the bond purchase proposal submitted by the initial purchaser (the "Purchaser") and accepted by the City Director of Finance and Business Services (the "Finance Director"), which rate must not exceed by more than 3% of the Index of Twenty Bonds most recently published in The Bond Buyer prior to the time bids were received for the bond, and is to be sold at a price equal to the principal amount thereof, plus accrued interest to the date of delivery of the bond, less a discount not exceeding 9% of the principal amount thereof, all as specified by the Finance Director in a certificate dated on or before the date of delivery of the bond (the "Certificate of the Finance Director"); and

WHEREAS, the Council has previously established a Local Improvement District Special Surplus and Deficiency Fund (the "Surplus and Deficiency Fund"), in accordance with NRS 271.428.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LAS VEGAS, IN THE STATE OF NEVADA, DOES ORDAIN:

Section 1. This ordinance shall be known as and may be cited by the short title "District No. 1506 Bond Ordinance" (this "Ordinance").

Section 2. All actions, proceedings, matters and things heretofore taken, had and done by the City and the officers of the City (not inconsistent with the provisions of this Ordinance) concerning the District, including, but not limited to, the construction and acquisition of the Project, the performing of all prerequisites to the levying of special assessments and to fixing the assessment lien against the properties in the District, including, without limitation, the passage and adoption of the Creation Ordinance and the Assessment Ordinance, and the issuance of its local improvement bond hereby authorized in the aggregate principal amount of not to exceed \$1,724,000 (the "Bond") and the sale of the Bond to the Purchaser, is ratified, approved and confirmed, including, without limitation, the distribution of the Request for Proposals for the purchase of the Bond. Pursuant to NRS 350.165, the Finance Director is authorized to accept the bond purchase proposal for the Bond and to execute and deliver the Certificate of the Finance Director specifying the items required by this Ordinance.

Section 3. The City covenants to receive, collect and enforce the payment of all assessments made and levied for the Project, and all installments thereof, all interest thereon, and all penalties accrued, as provided by law and in the same manner and at the same time or times as prescribed by the Assessment Ordinance and this Ordinance, and to pay and disburse said payments, the installments thereof, the interest thereon, and the penalties thereto, to any person or persons lawfully entitled thereto.

Section 4. The City Treasurer of the City (the "City Treasurer") is hereby authorized, empowered and directed to receive and collect all assessments levied to pay the cost of the Project, the installments thereof, the interest thereon (at a rate to be determined), and the penalties accrued, at the time and in the manner specified in the Assessment Ordinance, and to pay and disburse such payments to the person or persons lawfully entitled to receive the same, in accordance with the ordinances and resolutions of the City heretofore or to be hereafter adopted. Except as provided in NRS 271.360 concerning assessments for which a hardship determination

has been made, all moneys received from the assessments levied in the District after the cash period provided in the Assessment Ordinance, both principal and interest, shall be placed in a separate fund to be designated the "City of Las Vegas, Nevada, District No. 1506 Bond Fund" (the "Bond Fund"), and shall be used as soon as the funds are available for the purpose of paying the principal of and the interest on the Bond, and for no other purpose whatsoever, and as security for such payment, the Bond Fund is hereby exclusively pledged except as otherwise specifically provided herein. The City Treasurer is also authorized, empowered and directed to receive and collect surplus local improvement district moneys, if any, pursuant to NRS 271.428 and to place all said surplus moneys, except as otherwise required by NRS 271.429, in the Surplus and Deficiency Fund, and to disburse therefrom said moneys for the payment of the interest on and the principal of the City's special or local improvement district bonds, including the Bond, to the extent necessary, if necessary.

Section 5. If the owner of any lot, tract or parcel of land assessed for the Project shall be delinquent as to assessments, it shall be the duty of the Council to cause the delinquent person to be notified of such delinquency, in writing, and if such delinquency is not paid, the Council may foreclose the special assessment lien against the property or properties wherein the delinquency exists in the method now or hereafter provided by law. All the net proceeds of collecting any delinquent assessment shall be deposited in the Bond Fund (or in the general fund of the City, to the extent provided in Section 9 hereof) and in any event in an amount of not less than the principal amount of said assessment and accrued interest thereon to the date of its collection.

Section 6. For the purpose of defraying all or a portion of the cost and expense of the Project (except to the extent funds are available therefor from that part of said assessments which have been heretofore paid and to the extent other funds are available therefor), there shall be issued in the name of the City, the City's fully registered (i.e. registered as to payment of both principal and interest) special assessment bond designated as the "City of Las Vegas, Nevada, District No. 1506 - Fremont Street Pedestrian Improvements (Las Vegas Boulevard to 8th Street) Local Improvement Bond, Series 2007" in the aggregate principal amount of not to exceed \$1,724,000 (the "Bond"), which Bond shall be dated as of its date of delivery. The Bond shall be in a denomination equal to the aggregate principal amount thereof. The Bond shall be issued in fully registered form. The installments of principal on the Bond shall bear interest, calculated on a 360-day year of twelve 30-day months, at the rate or rates set forth in the Certificate of the Finance Director from its dated date until its maturity date or dates, payable on June 1 and December 1 of each year, commencing on December 1, 2007. The installments of principal on the Bond shall mature on the dates and in the amounts set forth in the Certificate of the Finance Director.

The final installment of principal of the Bond shall be payable to the registered owner thereof as shown on the registration records kept by the City Treasurer, as Registrar (the "Registrar"), upon maturity thereof and upon presentation and surrender at the office of the City Treasurer, as Paying Agent (the "Paying Agent"). If the Bond shall not be paid at maturity or upon prior redemption, they shall continue to draw interest at the interest rate borne by the Bond until the principal thereof is paid in full. Payment of installments of principal of and interest on the Bond shall be made to the registered owner thereof by check or draft mailed by the Paying Agent on each payment date (or, if such payment date is not a business day, on the next

succeeding business day), to the registered owner thereof at his address as shown on the registration records kept by the Registrar at the close of business on the day preceding such payment date. The Paying Agent may make payments on the Bond by such alternative means as may be mutually agreed to between the owner of such Bond and the Paying Agent (provided, however, that the City shall not be required to make funds available to the Paying Agent prior to the due dates of interest and principal). All such payments shall be made in lawful money of the United States of America.

All principal payments in connection with a partial optional redemption shall be noted on the prepayment panel appended to the Bond, except in the case of final maturity, in which case this Bond must be presented to the Paying Agent prior to payment. Notwithstanding the foregoing, the payment records of the Paying Agent shall be conclusive.

Section 7. Principal installments on the Bond shall be subject to prior redemption at the option of the City at any time at a price equal to the principal amount redeemed, plus accrued interest to the redemption date, in whole or in part as determined by the City from any legally available moneys, upon 10 days' notice to the registered owner of the Bond.

Notice of any prior redemption shall be given by the Registrar in the name of the City by sending a copy of such notice by first-class, postage prepaid mail, at least 10 days prior to the redemption date to the registered owner of the Bond at his or her address as it last appears on the registration records kept by the Registrar.

Such notice shall specify the installment or installments of principal of the Bond so to be redeemed (if less than all are to be redeemed) and the date fixed for redemption. Such notice shall further state that on the redemption date there will become and will be due and payable upon each installment so to be redeemed at the Paying Agent, the principal amount thereof and accrued interest thereon to the redemption date, and that from and after such date interest will cease to accrue. Notice having been given in the manner provided herein, the installments of principal of the Bond so called for redemption shall become due and payable on the redemption date so designated; and upon presentation thereof at the Paying Agent, the District will pay the installments of principal of the Bond so called for redemption.

A certificate by the Registrar that a notice of redemption has been given as herein set forth shall be conclusive and receipt by the bondowner of a notice of redemption shall not be a condition precedent to the redemption of that Bond.

Section 8. The person in whose name the Bond shall be registered on the registration books kept by the Registrar shall be deemed and regarded as the absolute owner thereof for all purposes and payment of principal of and interest on the Bond shall be made only to or upon the written order of the registered owner thereof or his legal representative (except as provided above for the payment of interest to the registered owner as of the Regular or a Special Record Date). All such payments shall be valid and effectual to discharge the liability upon such Bond to the extent of the sum or sums so paid.

Section 9. The Bond and the interest thereon shall be payable from the Bond Fund, containing the receipts upon the collection thereof from the assessments levied against and secured by a lien upon the lots, tracts and parcels of land in the District. Whenever there is a deficiency in the Bond Fund, the deficiency must first be paid out of the Surplus and Deficiency Fund (to the extent any money is available therein) before any payment is made out of the general fund of the City (the "General Fund"). In the event the Bond Fund shall be insufficient to pay the Bond and interest thereon as they become due, and the amounts, if any, in the Surplus and Deficiency Fund are not sufficient for that purpose, the deficiency shall be paid out of the General Fund. In the event deficiencies are paid out of the General Fund, all net proceeds of collecting the delinquent assessments with respect to which such payments from the General Fund were required to be made shall be returned and deposited in the General Fund when the Bond, both principal and interest, have been fully paid and discharged. If the General Fund shall be insufficient to pay any such deficiency promptly, the Council shall levy, and it shall be its duty to levy, general (ad valorem) taxes upon all property in the City which is by law taxable for State, City and municipal purposes, without regard to any statutory tax limitation existing on or after May 14, 1965, and without limitation as to rate or amount, fully sufficient, after making due allowance for probable delinquencies, to provide for the prompt payment of such Bond as they become due, both principal and interest, but subject to the limitations set forth in NRS Chapter 361 and Section 2 of Article 10 of the Constitution of the State. The Bond and the interest thereon are payable solely from the assessments, any moneys in the Surplus and Deficiency Fund, the General Fund, and general tax proceeds pledged to the payment thereof.

Section 10. Pursuant to NRS 271.515, the Mayor, the City Clerk and City Treasurer shall each file with the Secretary of State his or her manual signature certified under oath. Thereafter, the Bond shall be signed and executed in the name of the City with the engraved, imprinted, stamped or otherwise reproduced manual or facsimile of the signature of the Mayor and the City Treasurer, shall be attested with the manual or facsimile signature of the City Clerk, and shall be authenticated by the manual signature of an authorized officer of the Registrar as hereafter provided. A printed, engraved, stamped or otherwise placed authentic or facsimile of the seal of the City shall be affixed thereto. The Bond bearing the signatures of the officers in office at the time of the signing thereof, shall be the valid and binding obligation of the City (subject to the requirement of authentication by the Registrar as hereinafter provided), notwithstanding that before the delivery thereof and payment therefor, any or all of the persons whose signatures appear thereon shall have ceased to fill their respective offices. Any officer herein authorized or permitted to sign the Bond at the time of its execution and of the execution of a signature certificate, may adopt as and for his or her own facsimile signature, the facsimile signature of his or her predecessor in office in the event that such facsimile signature appears upon the bond. The Bond shall not be valid or obligatory for any purpose unless the certificate of authentication, substantially in the form hereinafter provided, has been duly executed by the Registrar, and such certificate of authentication of the Registrar upon the Bond shall be the only competent evidence that such Bond has been duly issued and delivered. The Registrar's certificate of authentication shall be deemed to have been duly executed by it if manually signed by a duly authorized officer of the Registrar, but it shall not be necessary that the same officer sign the certificate of authentication on the Bond issued hereunder. If the Bond shall be lost, stolen, destroyed or mutilated, the Registrar shall, upon receipt of such evidence or information relating thereto, appropriate indemnification, and such reimbursement for expenses as it may reasonably require, register and deliver to the registered owner thereof a replacement for such

Bond bearing a number not contemporaneously outstanding. If such lost, stolen, destroyed or mutilated Bond shall have matured, the Registrar may direct the Paying Agent to pay such bond in lieu of replacement.

Section 11. Books or records for the registration and transfer of the Bond shall be kept by the Registrar for the Bond. The Bond shall be fully transferable by the registered owner thereof in person or by his duly authorized attorney on the registration records kept at the office of the Registrar, or such other office as may be designated by the Registrar, upon presentation of the Bond together with a duly executed written instrument of transfer satisfactory to the Registrar. Upon the surrender for transfer of the Bond at the Registrar, duly endorsed for transfer or accompanied by an assignment (in form satisfactory to the Registrar) duly executed by the registered owner or his attorney duly authorized in writing, the Registrar shall authenticate and deliver in the name of the transferee or transferees a new Bond, bearing a number or numbers not contemporaneously outstanding. The Registrar may require the owner or transferee to pay any tax or other governmental charge required to be paid with respect to such transfer, and may charge a sum sufficient to pay the cost of preparing and authenticating a new Bond. No such charges shall be levied in the case of an exchange resulting from an optional redemption. The Registrar shall not be required to transfer or exchange (i) the Bond during a period beginning at the opening of business 15 days before the date of mailing by the Registrar of a notice of prior redemption of the Bond and ending at the close of business on the date of such mailing, or (ii) the Bond after the mailing of notice calling such bond, or any portion thereof, for redemption as herein provided. Whenever the Bond shall be surrendered to the Paying Agent upon payment thereof, or to the Registrar for replacement as provided herein, the Bond shall be promptly canceled and destroyed by the Paying Agent or Registrar, and a certificate of such destruction shall be prepared by the Paying Agent or Registrar upon request of the City.

Section 12. Subject to the registration provisions hereof, the Bond shall be fully negotiable and shall have all the qualities of negotiable paper, and the owner thereof shall possess all rights enjoyed by the holders of negotiable instruments under the provisions of the Uniform Commercial Code - Investment Securities.

Section 13. Pursuant to NRS 271.505, the Bond shall contain a recital that it is issued pursuant to Chapter 271 of NRS (the "Consolidated Local Improvements Law"), which recital shall conclusively impart full compliance with all of the provisions of the Consolidated Local Improvements Law, and the Bond issued containing such recital shall be incontestable for any cause whatsoever after its delivery for value.

Section 14. Subject to the provisions of this Ordinance, the Bond and certificates thereon shall be in substantially the following form, with such omissions, insertions, endorsements, and variations as may be required by the circumstances, be required or permitted by this Ordinance, or be consistent with this Ordinance and necessary or appropriate to conform to the rules and requirements of any governmental authority or any usage or requirement of law with respect thereto:

(Form of Bond)

**TRANSFER OF THIS BOND OTHER
THAN BY REGISTRATION IS NOT EFFECTIVE**

UNITED STATES OF AMERICA

STATE OF NEVADA

COUNTY OF CLARK

NO. R-__

\$__

**CITY OF LAS VEGAS, NEVADA
DISTRICT NO. 1506 – FREMONT STREET PEDESTRIAN IMPROVEMENTS
(LAS VEGAS BOULEVARD TO 8TH STREET)
LOCAL IMPROVEMENT BOND
SERIES 2007**

Interest Rate

__% per annum

Dated as of

Date of Delivery

REGISTERED OWNER:

PRINCIPAL AMOUNT: _____ DOLLARS

The City of Las Vegas (the "City"), in the State of Nevada (the "State"), for value received hereby promises, out of funds available for the purpose as hereinafter set forth, to pay to the registered owner hereof specified above or registered assigns the principal amount specified above on the maturity date specified above with interest hereon from the date of this Bond, or from the most recent interest payment date to which interest has been paid, until maturity at the percentage rate per annum specified above. This Bond shall bear interest on the principal amount hereof from its dated date at the rate per annum specified above (calculated on the basis of a 360-day year of twelve 30-day months), payable semiannually on each June 1, and December 1, commencing December 1, 2007. The principal of this Bond shall be payable on June 1 of each year in the following amounts:

[Insert Maturity Schedule]

The final payment of principal of and interest on this Bond is payable upon presentation and surrender hereof at the office of the City's paying agent for the Bond (the "Paying Agent"), presently the City Treasurer, who is also now acting as the City's Registrar for the Bond (the "Registrar") or such other office as designated by the Paying Agent. Installments of principal and interest on this Bond prior to the final payment will be made by check mailed by the Paying Agent on each payment date (or, if such date is not a business day, on the next succeeding business day) to the person in whose name this Bond is registered (the "registered owner") in the registration records of the City maintained by the Registrar, at the address appearing thereon as of the close of business on the day next preceding such payment date. Alternative means of payment of interest may be used if mutually agreed to by the registered

owner and the Paying Agent, as provided in the "District No. 1506 Bond Ordinance," adopted and approved by the City Council of the City on May 2, 2007 authorizing the issuance of this Bond (the "Ordinance"). All such payments shall be made in lawful money of the United States of America without deduction for any service charges of the Paying Agent or the Registrar.

This Bond is subject to prior redemption at any time at a price equal to the principal amount redeemed, plus accrued interest to the redemption date, in whole or in part as determined by the City from any legally available moneys, upon 10 days' notice to the registered owner of the Bond

This Bond is one of a series of special assessment bonds, issued by the City, all of which are of like date and designation and in the total amount of _____ Dollars (\$_____).

Pursuant to the Ordinance, reference to which is made for further details, the payment of the principal of and the interest on this Bond shall be made from, and as security for such payment there is pledged, a special fund designated "City of Las Vegas, Nevada, District No. 1506 Bond Fund," sometimes designated the "Bond Fund," containing the receipts upon the collection thereof from the assessments, as defined in the Bond Ordinance, levied against and secured by a lien upon the property specially benefitted by improvements in the City of Las Vegas, Nevada, Special Improvement District No. 1506 – Fremont Street Pedestrian Improvements (Las Vegas Boulevard to 8th Street) (the "District"), and remaining unpaid on the date of delivery of the Bond. The Bond Fund is and shall continue to constitute a sinking fund for and be deemed specially appropriated to the full and prompt payment of the Bond and the interest thereon, and shall be used for no other purpose whatsoever. In the event the Bond Fund shall be insufficient to pay the Bond and the interest thereon as they become due, and the moneys, if any, in the City's special Surplus and Deficiency Fund are not sufficient for that purpose, the deficiency shall be paid out of the City's general fund. If the City's general fund shall be insufficient to pay any such deficiency promptly, the City Council of the City shall levy, and it shall be its duty to levy, general (ad valorem) taxes upon all property in the City which is by law taxable for State, county and municipal purposes, without regard to any statutory tax limitation existing on or after May 14, 1965, and without limitation as to rate or amount, fully sufficient, after making due allowance for probable delinquencies, to provide for the prompt payment of such Bond as it becomes due, both principal and interest, but subject to the limitations set forth in Nevada Revised Statutes ("NRS") Chapter 361, Section 2 of Article 10 of the Constitution of the State. The Bond and the interest thereon are payable solely from the assessments, the moneys, if any, in the City's Surplus and Deficiency Fund, the general fund, and general tax proceeds pledged to the payment thereof.

The assessments made and levied to defray said cost, with accruing interest thereon, constitute a lien upon and against the property upon which such assessments were made and levied from and after the effective date of the ordinance levying assessments for the District.

It is hereby certified, recited and declared that all acts, conditions and things essential to the validity of this bond exist, have happened and have been done in due time, form and manner as required by law; that the total issue of said special assessment bonds of the City for said improvements and incidental expenses, including this Bond, does not exceed the amount

authorized by law nor the total unpaid special assessments levied to cover the cost of said improvements; that this Bond is issued under the authority of the Consolidated Local Improvements Law, Chapter 271, NRS and that this Bond is incontestable for any cause whatsoever.

It is hereby further certified, recited and declared that the proceedings, with reference to making such improvements, levying the assessments to pay therefor, and issuing the Bond, have been regularly had and taken, in compliance with law, and that all prerequisites to the fixing of the assessment lien against the property benefitted by the improvements and of the liability of the owner or owners of such property therefor have been performed.

This Bond is fully registered (i.e., registered as to payment of both principal and interest), and is issuable in a denomination equal to the aggregate principal amount thereof.

Except for the fifteen-day period preceding any date on which all of a portion of this Bond is being selected for call for prior redemption and except for any portion of this Bond so called for redemption, this Bond is fully transferable by the registered owner hereof in person or by his duly authorized attorney on the registration books kept by the Registrar upon surrender of this Bond together with a duly executed written instrument of transfer satisfactory to the Registrar, and upon the payment of all fees and charges required by such Registrar. Upon such transfer a new fully registered Bond of the same aggregate principal amount will be issued to the transferee in exchange for this Bond, subject to such terms and conditions as set forth in the Ordinance. The City and the Registrar and Paying Agent may deem and treat the person in whose name this bond is registered as the absolute owner hereof for the purpose of making payment and for all other purposes.

This Bond shall not be valid or obligatory for any purpose until the Registrar shall have manually signed the certificate of authentication herein.

IN WITNESS WHEREOF, City of Las Vegas, Nevada, has caused this Bond to be signed and executed in the name of and on behalf of the City with the [manual/facsimile] signature of the Mayor of the City Council, to be countersigned with the [manual/facsimile] signature of the City Treasurer, and to be countersigned, subscribed, executed and attested with the [manual/facsimile] signature of the City Clerk, has caused the [authentic/facsimile] of the corporate seal of the City to be affixed hereon, and has caused this bond to be dated as of the date specified above.

(For [Manual/Facsimile] Signature)
Mayor

Countersigned:

(For [Manual/Facsimile] Signature)
City Treasurer

(AUTHENTIC OR FACSIMILE SEAL)

Attested and Countersigned:

(For [Manual/Facsimile] Signature)
City Clerk

PROVISION FOR REGISTRATION AS TO PRINCIPAL AND INTEREST

This Bond must be registered as to both principal and interest on the registration records of the City, kept by the City Treasurer, as Registrar. After registration as to principal and interest, the Registrar shall note such registration on such registration records and in the registration blank below, and the principal and interest on this Bond shall be paid to such registered owner. This Bond may be transferred by the registered owner or his or her legal representative only upon a duly executed assignment in form satisfactory to the Registrar, such transfer to be made on said registration records and endorsed hereon.

Every privilege, registration and transfer shall be exercised only in accordance with the authorizing ordinance and such reasonable rules and regulations as the Registrar may prescribe.

**Date of
Registration**

**Name of
Registered Owner**

**Signature
of Registrar**

May __, 2007

PREPAYMENT PANEL

The following installments of principal (or portions thereof) of this bond have been prepaid in accordance with the terms of the ordinance authorizing the issuance of this bond.

<u>Date of Prepayment</u>	<u>Principal Prepaid</u>	<u>Signature of Authorized Representative of Owner</u>

ASSIGNMENT

For value received, the undersigned hereby sells, assigns and transfers unto _____ the within bond and hereby irrevocably constitutes and appoints _____ attorney in fact, to transfer the within bond on the books of the Registrar, with full power of substitution in the premises.

Dated: _____

Signature Guaranteed

Signature Must Be Guaranteed By A Member
Firm Of The National Association Of Securities
Dealers Or By A Commercial Bank or Trust
Company

NOTE: The signature to this Assignment must correspond with the name as written on the face of the within bond in every particular, without alteration or enlargement or any change whatsoever.

Name of Transferee: _____

Address of Transferee: _____

Taxpayer Identification or
Social Security Number(s) _____

Transfer fees must be paid to the Registrar in order to transfer or exchange this Bond as provided in the Bond Ordinance.

(End of Form of Assignment)

Section 15. When the Bond has been duly executed and authenticated, it will be delivered to the Purchaser on receipt of the agreed purchase price. The proceeds realized from the sale of the Bond (net of any discount), including any investment income therefrom, shall be applied solely to defray the cost and expense of making said improvements and issuing the Bond; provided, however, that after said cost and expenses are paid (excepting any portion to be paid with other than special assessment proceeds), any funds remaining from the sale of the Bond shall be deposited in the Bond Fund and used for the purposes therefor specified in Section 4 of this Ordinance. The Purchaser, however, shall in no manner be responsible for the application by the City, or any of its officers, agents or employees, of any of the funds derived from the sale thereof or of any other funds herein designated.

Section 16. So long as any of the Bond remains outstanding, the City will keep or cause to be kept true and accurate books of records and accounts showing full and true entries covering the collection and disposition of special assessments levied for the Project, as well as any delinquencies in the collection thereof, covering deposits in and disbursements from the Bond Fund, covering deposits in and disbursements from the Surplus and Deficiency Fund, covering the redemption of the Bond (both principal and interest), and covering disbursements to defray the costs of the Project, including incidental expenses. The City will permit an inspection and examination of all books and accounts at all reasonable times by any representative of any of the original purchaser of the Bond.

Section 17. The Finance Director is authorized to execute the proposal to purchase the Bond submitted by the Purchaser in accordance with the provisions of this Ordinance. Pursuant to NRS 350.810 and MSRB Rule G-23, the Council hereby consents to receiving a bid on the Bond from Zions Bank (and its affiliates), and this consent shall constitute a written agreement required by NRS 350.810.

Section 18. The officers of the City be, and they hereby are, authorized and directed to take all action necessary or appropriate to effectuate the provisions of this Ordinance, including without limiting the generality of the foregoing:

(a) the printing of the Bond, including, without limitation, the printing of such additional blank Bonds as shall be required by the Registrar; and

(b) the execution of such certificates as may be reasonably required by the Purchaser, relating, inter alia, to the signing and registration of the Bond, the tenure and identity of the officials of the Council and the City, the delivery of the Bond, the designation of the Paying Agent and the Registrar, the receipt of the purchase price for the Bond, the exemption of interest on the Bond from federal and state income taxation, and if it is in accordance with fact, the absence of litigation, pending or threatened, affecting the validity thereof. It shall be the duty of the proper officers of the City to hereafter take all action necessary for the City to comply with the provisions of Chapter 271, NRS, as hereafter amended and supplemented from time to time;

(c) the execution by the Finance Director of the purchase proposal between the Purchaser and the City; and

(d) the completion and execution by the Finance Director of the Certificate of the Finance Director in accordance with the provisions of this Ordinance.

Section 19. Any registered owner of the Bond may, either at law or in equity, by suit, action, mandamus or other appropriate proceeding in any court of competent jurisdiction, protect the liens created by this Ordinance on the proceeds of assessments levied for the Project, and may by suit, action, mandamus or other appropriate proceeding enforce and compel the performance of any duty imposed upon the City by the provisions of this Ordinance, or any ordinance heretofore adopted concerning the District, including without limiting the generality of the foregoing, the segregation of special assessments, the proper application thereof, and the appointment of a receiver. The failure of any Bondowner to proceed shall not relieve the City or any of its officers, agents or employees of any liability for failure to perform any such duty.

Section 20. The City covenants for the benefit of the registered owner or owners of the Bond that it will not take any action or omit to take any action with respect to the Bond, the proceeds thereof, any other funds of the City or any facilities financed with the proceeds of the Bond if such action or omission (i) would cause the interest on the Bond to lose its exclusion from gross income for federal income tax purposes under Section 103 of the Internal Revenue Code of 1986, as amended to the date of delivery of the Bond (the "Tax Code"), or (ii) would cause interest on the Bond to lose its exclusion from alternative minimum taxable income as defined in Section 55(b)(2) of the Tax Code except to the extent such interest is required to be included in the adjusted current earnings adjustments applicable to corporations under Section 56 of the Tax Code in calculating corporate alternative minimum taxable income. The foregoing covenant shall remain in full force and effect notwithstanding the payment in full or defeasance of the Bond until the date on which all obligations of the City in fulfilling the above covenant under the Tax Code have been met.

Section 21. ~~When all of the principal of and interest on the Bond have been~~ duly paid, the pledge, the lien, and all obligations hereunder shall thereby be discharged as to the Bond and the Bond shall no longer be deemed to be outstanding within the meaning of this Ordinance. There shall be deemed to be such due payment when the City has placed in escrow or in trust with a trust bank located within or without the State, an amount sufficient (including the known minimum yield available for such purpose from bills, certificates of indebtedness, notes, bonds or similar securities which are direct obligations of, or the principal of and interest on which are unconditionally guaranteed by the United States ("Federal Securities") in which such amount may be initially invested wholly or in part) to meet all principal of and the interest on the Bond, as the same become due. The Federal Securities shall become due before the respective times on which the proceeds thereof shall be needed, in accordance with a schedule established and agreed upon between the City and the bank at the time of the creation of the escrow or trust, or the Federal Securities shall be subject to redemption at the option of the holders thereof to assure availability as needed to meet the schedule. For the purpose of this section "Federal Securities" shall include only Federal Securities which are not callable for redemption prior to their maturities except at the option of the owner thereof.

Section 22. All ordinances or resolutions, or parts thereof, in conflict with the provisions of this Ordinance are hereby repealed to the extent only of such inconsistency. This repealer shall not be construed to revive any ordinance or resolution, or part thereof, heretofore

repealed, and this Ordinance shall be irrevocable until the Bond and the interest thereon shall be fully paid, satisfied and discharged, as herein provided.

Section 23. This Ordinance may be amended (except for the provisions of Section 13 hereof) or supplemented by an ordinance or ordinances adopted by the Council, without the receipt by the City of any additional consideration, with the written consent of the owners of sixty percent (60%) of the principal amount of the Bond outstanding at the time of the adoption of such amendatory or supplemental ordinance, provided, however, that no such ordinance shall have the effect of permitting:

- a. an extension of the maturity of the Bond; or
- b. a reduction in the principal amount of the Bond or the rate of interest thereon; or
- c. the creation of a lien upon or a pledge of property, revenues or funds, ranking prior to the liens or pledges created by this Ordinance; or
- d. a reduction of the principal amount of Bond required for consent to such amendatory or supplemental ordinance.

Section 24. Pursuant to NRS 271.520, the Bond, its transfer, and the income therefrom, shall forever be and remain free and exempt from taxation by the State and any subdivision thereof, except for the tax on estates imposed by Chapter 375A of NRS, or the tax on generation-skipping transfers imposed pursuant to the provisions of Chapter 375B of NRS.

Section 25. The Council hereby finds and declares that the life of the Project to be acquired with the proceeds obtained from the sale of the Bond shall be not less than the period during which the Bond matures.

Section 26. If the Registrar or Paying Agent initially appointed hereunder shall resign, or if the Council shall determine to remove the Registrar or Paying Agent, the Council may, upon notice mailed to each owner of the Bond at his address last shown on the registration books, appoint a successor Registrar or Paying Agent, or both. No resignation or dismissal of the Registrar or Paying Agent may take effect until a successor is appointed. It shall not be required that the same institution serve as both Registrar and Paying Agent hereunder, but the City shall have the right to have the same institution serve as both Registrar and Paying Agent hereunder. Any corporation, association, or agency into which the Registrar or the Paying Agent may be converted or merged, or with which it may be consolidated, or to which it may sell or transfer its corporate trust business and assets as a whole or substantially as a whole, or any corporation or association resulting from any such conversion, sale, merger, consolidation or transfer to which it is a party, automatically shall be and become successor registrar or paying agent hereunder and vested with all of the powers, discretions, immunities, privileges and all other matters as was its predecessor, without the execution or filing of any instrument or any further act, deed or conveyance on the part of any of the parties hereto, anything herein to the contrary notwithstanding.

Section 27. When first proposed, this Ordinance shall be read to the Council by title, after which an adequate number of copies of this Ordinance shall be filed with the City Clerk for public distribution. Notice of the filing shall be published once in a newspaper published and having general circulation in the City, at least 10 days before the adoption of this Ordinance, such publication to be in substantially the following form:

(Form of Publication of Notice of Filing of Ordinance)

BILL NO. _____

AN ORDINANCE AUTHORIZING THE ISSUANCE OF A REGISTERED LOCAL IMPROVEMENT DISTRICT BOND, SERIES 2007, FOR THE CITY OF LAS VEGAS, NEVADA, SPECIAL IMPROVEMENT DISTRICT NO. 1506 – FREMONT STREET PEDESTRIAN IMPROVEMENTS (LAS VEGAS BOULEVARD TO 8TH STREET) TO FINANCE THE CONSTRUCTION OF LOCAL IMPROVEMENTS AND PROVIDING OTHER MATTERS RELATED THERETO.

PUBLIC NOTICE IS HEREBY GIVEN that an adequate number of typewritten copies of the above-numbered and entitled proposed Ordinance are available for public inspection and distribution at the office of the Acting City Clerk of the City of Las Vegas at her office in the City Hall, 400 Stewart Avenue, Las Vegas, Nevada, and that such Ordinance was proposed on April 18, 2007 and will be considered for adoption at the regular meeting of the City Council to be held on May 2, 2007.

/s/ BEVERLY K. BRIDGES, CMC
Acting City Clerk

(End of Form of Publication of Notice of Filing of Ordinance).

Section 28. This Ordinance shall be in effect on the day after the date of publication as hereinafter provided. After this Ordinance is adopted and signed by the Mayor and attested and sealed by the Clerk, this Ordinance shall be published once by its title only, together with the names of the Council members voting for or against its passage, such publication to be made in a newspaper published and having a general circulation in the City, and such publication to be in substantially the following form:

(Form of Publication)

BILL NO. _____
ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING THE ISSUANCE OF A REGISTERED LOCAL IMPROVEMENT DISTRICT BOND, SERIES 2007, FOR THE CITY OF LAS VEGAS, NEVADA, SPECIAL IMPROVEMENT DISTRICT NO. 1506 - FREMONT STREET PEDESTRIAN IMPROVEMENTS (LAS VEGAS BOULEVARD TO 8TH STREET) TO FINANCE THE CONSTRUCTION OF LOCAL IMPROVEMENTS AND PROVIDING OTHER MATTERS RELATED THERETO.

PUBLIC NOTICE IS HEREBY GIVEN that the above-numbered and entitled Ordinance was proposed on April 18, 2007 and that such Ordinance was passed at a regular meeting of the City Council on May 2, 2007 by the following vote of the City Council:

Those Voting Aye:

Oscar B. Goodman
Gary Reese
Larry Brown
Lois Tarkanian
Steve Wolfson
Steven D. Ross

Those Voting Nay:

Those Absent:

This Ordinance shall be in full force and effect from and after the 5th day of May, 2007 i.e., the day after publication of such Ordinance by its title only.

IN WITNESS WHEREOF, the City Council of the City of Las Vegas, Nevada has caused this Ordinance to be published by title only.

DATED this May 2, 2007.

/s/ OSCAR B. GOODMAN
Mayor

Attest:

/s/ BEVERLY K. BRIDGES, CMC
Acting City Clerk

(End of Form of Publication)

Section 29. If any section, paragraph, clause or provision of this Ordinance shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this Ordinance.

OSCAR B. GOODMAN, Mayor

(SEAL)

Attest:

BEVERLY K. BRIDGES, CMC,
Acting City Clerk

APPROVED AS TO FORM:

Val Steed 4-4-07
Deputy City Attorney

This Ordinance shall be in full force and effect from and after the 5th day of May, 2007, i.e., the day after the publication of such Ordinance by its title only.

STATE OF NEVADA)
) ss.
CITY OF LAS VEGAS)

I, Beverly K. Bridges, CMC, the duly chosen and qualified Acting Clerk of City of Las Vegas, Nevada (the "City"), do hereby certify:

1. The foregoing pages constitute a true, correct, complete and compared copy of an ordinance which was introduced at the meeting of the City Council of the City (the "Council") on April 18, 2007 and finally adopted and approved at the meeting of the Council held on May 2, 2007.

2. The following members of the Council were present at the April 18, 2007 meeting:

Mayor:	Oscar B. Goodman
Councilmembers	Gary Reese
	Larry Brown
	Lois Tarkanian
	Steve Wolfson
	Steven D. Ross

2. The foregoing Ordinance was first proposed and read by title to the Council on April 18, 2007, and referred to a committee composed of the _____ for recommendation. Thereafter, said committee reported favorably on said Ordinance on May 2, 2007, which was a regular meeting of said Council. At the May 2, 2007 regular meeting, the proposed Ordinance was again read by title to the Council and adopted. The members of the Council were present at the May 2, 2007 meeting and voted upon the adoption of the Ordinance as follows:

Those Voting Aye:	Oscar B. Goodman
	Gary Reese
	Larry Brown
	Lois Tarkanian
	Steve Wolfson
	Steven D. Ross

Those Voting Nay:	_____
Those Absent:	_____

3. The original of the Ordinance has been approved and authenticated by the signatures of the Mayor of the City and myself as Acting Clerk of the City, and sealed with the

seal of the City, and has been recorded in the journal of the Council kept for that purpose in my office, which record has been duly signed by such officers and properly sealed.

4. All members of the Council were given due and proper notice of the meetings held on April 18, 2007 and May 2, 2007.

5. All members of the Council were given due and proper notice of each meeting. Pursuant to NRS § 241.020, written notice of the meeting including the time, place, location and agenda of the meeting was given by 9:00 a.m. at least three working days before the meeting.

(a) By posting a copy of the notice at the principal office of the Council, or if there is no principal office, at the building in which the meeting is to be held, and at least three other separate, prominent places within the jurisdiction of the Council, to wit:

- (i) Bulletin Board (next door to Metro Records)
City Hall Plaza
Las Vegas, Nevada
- (ii) City Hall Plaza
City Clerk's Bulletin Board, 2nd Floor Skybridge
Las Vegas, Nevada
- (iii) Las Vegas Library
833 Las Vegas Boulevard North
Las Vegas, Nevada
- (iv) Clark County Government Center
500 S. Grand Central Parkway
Las Vegas, Nevada
- (v) Grant Sawyer Building
555 E. Washington Avenue
Las Vegas, Nevada
- (vi) The City of Las Vegas website

and

(b) By mailing a copy of the notice to each person, if any, who has requested notice of the meetings of the Council in the same manner in which notice is required to be mailed to a member of the Council.

6. Copies of the notice of each such meeting as posted and mailed are attached hereto as Exhibits A and B.

7. A copy of the affidavit of publication of notice of deposit of the Ordinance is attached to this certificate as Exhibit C. A copy of the affidavit of publication of adoption of the Ordinance is attached to this certificate as Exhibit D.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the City this May __, 2007.

BEVERLY K. BRIDGES, CMC, Acting City Clerk

(SEAL)

EXHIBIT A

(Attach Copy of Notice of Meeting held April 18, 2007)

EXHIBIT B

(Attach Copy of Notice of Meeting held May 2, 2007)

EXHIBIT C

(Attach Affidavit of Publication of Filing of Bond Ordinance)

EXHIBIT D

(Attach Affidavit of Publication of Adoption of Bond Ordinance)

TM/REC'D CTRC MTC. [HP TUES.] MAY, '01 (8m flr) (CH: L. TARKANIAN) (CM: S. ROSS)

PUBLIC COMMENT: - (CAUTION SUMMARY NOTES) -
(PRIOR TO 'TALKING') -

WITHOUT BEING FACETIOUS, IT'S APPARENT THE CITY ATTORNEY'S EXHAUSTIVE PRESENTATION INCLUDES EVERYTHING BUT A PUBLIC APOLOGY TO THE ALLEGED PERPETRATORS. ~ IN CONTRAST;

Item # 3. TOM MCGOWN; LAS VEGAS RESIDENT. ~ IT'S REASONABLE TO ASSUME ANY GROUP OF TWO(2) OR MORE PERSONS ENGAGED IN UNLAWFUL ACTIVITY IS AN 'UNLAWFUL GATHERING'.

EXAMPLES INCLUDE: -

* HUNDREDS OF THOUSANDS ENGAGED IN A POLITICAL DEMONSTRATION SUPPORTIVE OF ILLEGAL AIDS, AND DISRUPTING VEHICULAR TRAFFIC;

* CROWDED 'FIRST FRIDAYS' IN THE ARTS DISTRICT, INCLUSIVE OF: UNDERAGE DRINKING; PUBLIC NUISANCE; VIOLATIONS OF CITY CODES; VANDALISM; ADA NON-COMPLIANCE; ARMED ROBBERY; AND THE DISCONTINUATION OF PUBLIC MASS TRANSIT SERVICES.

AS USED IN THE BILL, THE TERM: 'PROHIBITS' IMPLIES MANDATORY INVESTIGATION AND PROSECUTION IN ACCORDANCE WITH APPLICABLE LAW. I RECOMMEND A POLICY OF 'ZERO TOLERANCE' IN THE BEST PUBLIC INTEREST INCLUSIVELY. AND PERTINENT PUBLIC OFFICIALS SHOULD BE HELD RESPONSIBLE, ACCOUNTABLE AND LIABLE, TO THE FULL EXTENT OF THE LAW. VALID STATUS

AS A 'WORLD CLASS' CITY REQUIRES A POPULATION COMPRISED OF 'WORLD CLASS' PUBLIC AND PRIVATE SECTORS, ~ AND THAT REQUIRES 'WORLD CLASS' OFFICIAL LEADERSHIP, TO SET A POSITIVE ROLE MODEL EXAMPLE, ~ RATHER THAN ONE THAT CONTRIBUTES TO THE DECLINE OF THE STANDARD OF DECENCY THROUGHOUT SOCIETY AND GOVERNMENT.

THANK YOU.

Item # 7. TOM MCGOWN; LAS VEGAS RESIDENT. ~ HISTORICALLY, THE TERM: 'MINIMUM' IS EXPEDIENTLY SUBJECT TO CONSTRUCTION AS A 'MAXIMUM'. I RECOMMEND THE BILL INCLUDE PROVISION FOR A DISCRETIONARY 'UPSIDE OPEN END' 'MAXIMUM', WITHIN REASONABLE LIMITATIONS. ~ THANK YOU.

Item # 8. TOM MCGOWN; LAS VEGAS RESIDENT. ~ AS PREVIOUSLY STATED TO THE DESIGN REVIEW COMMITTEE AND OTHER PUBLIC AGENCIES, ~ 14 OF THE 18 HISTORIC COMMEMORATIVE MEDALLIONS EMPLACED IN THE PEDESTRIAN SIDEWALK ARE INCORRECT, INCOMPLETE, AND ARE NOT DIRECTLY RELATABLE TO ANY OF THE PRIVATE PROPERTIES LOCATED IN 'FREMONT EAST'. IF APPROVED, THE BILL CONSTITUTES MISFEASANCE OF PUBLIC OFFICE AND MISFEASANCE OF PUBLIC FUNDS, ON THE PART OF ALL PUBLIC OFFICIALS AND CITY EMPLOYEES DIRECTLY AND INDIRECTLY CAUSAL OF AND CONTRIBUTIVE TO THE BILL, WHICH AT BEST IS GROSSLY AT VARIANCE WITH FACT, AND, IN THE WORST CASE SCENARIO, ~ CONSTITUTES MISREPRESENTATION, FRAUD, EXTORTION IN EXPEDIENT SERVICE TO A WHOLLY SUBJECTIVE AGENDA, AT BOTH PUBLIC AND PRIVATE EXPENSE, AND ADVERSELY IMPACTIVE UPON THE GENUINE BEST PUBLIC INTEREST. ~ THANK YOU

10. CITIZENS PARTICIPATION

(1. THE TEXT SUBMITTED AND DOCUMENTED INCLUSIVELY IN THE MINUTES)

AGENDA SUMMARY PAGE
RECOMMENDING COMMITTEE MEETING OF: MAY 1, 2007

DEPARTMENT: CITY ATTORNEY

DIRECTOR: BRADFORD R. JERBIC

☐ Consent ☒ Discussion

SUBJECT:

NEW BILL.

Bill No. 2007-20 – Annexation No. ANX-19561 – Property location: On the south side of Deer Springs Way, approximately 330 feet west of Grand Canyon Drive, Petitioned by: Dark, LLC; Acreage: 5.1 acres; Zoned: R-E (County zoning), U (RNP) (City equivalent). Sponsored by: Councilman Steven D. Ross

Fiscal Impact

☒

No Impact

☐

Augmentation Required

☐

Budget Funds Available

Amount:

Funding Source:

Dept./Division:

PURPOSE/BACKGROUND:

The proposed ordinance annexes certain real property generally located on the south side of Deer Springs Way, approximately 330 feet west of Grand Canyon Drive. The annexation is at the request of the property owner. The annexation process has now been completed in accordance with the NRS and the final date of annexation (May 11, 2007) is set by this ordinance.

RECOMMENDATION:

This bill should be submitted to a Recommending Committee for review, hearing and recommendation to the City Council for final action.

BACKUP DOCUMENTATION:

Bill No. 2007-20 and location map

Motion made by LOIS TARKANIAN to Approve as a Do Pass

Passed For: 2; Against: 0; Abstain: 0; Did Not Vote: 0; Excused: 0

LOIS TARKANIAN, STEVEN D. ROSS; (Against-None); (Abstain-None); (Did Not Vote-None); (Excused-None)

Minutes.

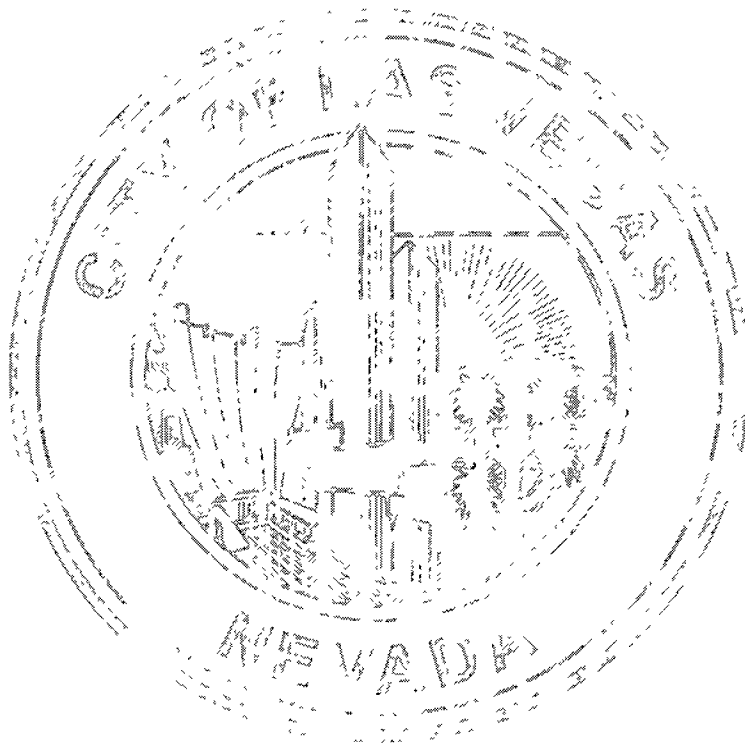
COUNCILMAN ROSS declared the public hearing open.

CHIEF DEPUTY CITY ATTORNEY STEED said this is a standard, owner-requested annexation. He recommended approval.

RECOMMENDING COMMITTEE MEETING OF: MAY 1, 2007

TOM McGOWAN, Las Vegas resident, recommended approval.

COUNCILMAN ROSS declared the public hearing closed.



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8 **BILL NO. 2007-20**

9 **ORDINANCE NO. _____**

10 AN ORDINANCE TO EXTEND THE BOUNDARIES OF THE CITY, TO
11 PARTICULARLY DESCRIBE THE LAND TO BE ANNEXED, TO MAKE ITS
12 INHABITANTS SUBJECT TO THE LAWS, OBLIGATIONS AND BENEFITS OF THE
CITY, AND TO PROVIDE FOR OTHER RELATED MATTERS. (ANX-19561)

13 Sponsored by: Councilman Steven D. Ross Summary: Annexes property described
14 generally as located on the south side of Deer
15 Springs Way, approximately 330 feet west of
Grand Canyon Drive.

16 THE CITY COUNCIL OF THE CITY OF LAS VEGAS DOES HEREBY
17 ORDAIN AS FOLLOWS:

18 SECTION 1: The corporate limits of the City of Las Vegas, Nevada, are
19 hereby extended to annex, include, and make a part of the City of Las Vegas, Nevada, the
20 following described real property:

21 The West Half (W 1/2) of the Northeast Quarter (NE 1/4) of the Northeast
22 Quarter (NE 1/4) of the Southwest Quarter (SW 1/4) of Section 19, Township
19 South, Range 60 East, M.D.M., in the County of Clark, State of Nevada.

23 SECTION 2: The City Council hereby determines that the described territory
24 meets the requirements provided by law for annexation to the City for the following reasons:

- 25 A. The area to be annexed was contiguous to the City's boundaries at the
26 time the annexation proceedings were instituted;
- 27 B. More than one-eighth (1/8) of the aggregate external boundaries of
28 the area are contiguous to the City;

1 C. The territory proposed to be annexed is not included within the
2 boundaries of another incorporated city or within the boundaries of
3 any unincorporated town as those boundaries existed as of July 1,
4 1983;

5 D. The City is eligible to annex the described territory since the
6 landowners have signed a petition constituting one hundred percent
7 (100%) of the owners of record of individual lots or parcels of land
8 within the annexation area.

9 SECTION 3: The City will provide police protection through the Las Vegas
10 Metropolitan Police Department, fire protection, street maintenance, and library services
11 immediately upon annexation. Garbage collection by the company franchised by the City
12 will also be provided immediately. The City sanitary sewer system will serve the proposed
13 annexation area. Any connection to or extension of this sewer line to serve the annexation
14 area shall be at the expense of the landowners. Other services, such as participation in the
15 City's recreational programs, special education classes and programs, public works planning,
16 building inspections, and other City services will also be available immediately. Utilities
17 such as gas, electricity, telephone, and water are provided by private utility companies and
18 other services to the area will not be affected by annexation. Street paving, curbs and gutters,
19 sidewalks and street lights which are not in place at the time of annexation will be installed
20 in the presently developed areas upon the request of the property owners and at their expense
21 by means of special assessment districts. Such improvements will be extended into the
22 undeveloped areas as development takes place and the need therefor arises, and will be
23 located according to the needs of the area at that time. Such installations will also be made
24 at the expense of the property owners, either by means of special assessment districts or as
25 prerequisites to the approval of subdivision plats, building permits or other land use or
26 development applications.

27 SECTION 4: The annexation of the described territory shall become
28 effective on the 11th day of May, 2007, and on that date the City will have the funds

1 appropriated in sufficient amount to finance the extension into the described territory of
2 police protection, fire protection, street maintenance, street sweeping, and street lighting
3 maintenance.

4 SECTION 5: The described territory, together with the inhabitants and
5 property thereof, shall, from and after the 11th day of May, 2007, be subject to all debts,
6 laws, ordinances and regulations in force in the City and shall be entitled to the same
7 privileges and benefits as other parts of the City, and shall be subject to municipal taxes
8 levied by the City.

9 SECTION 6: The City Engineer is hereby instructed to cause to be prepared
10 an accurate map or plat of the described territory and to record the map or plat, together with
11 a certified copy of this ordinance, in the office of the County Recorder of Clark County,
12 Nevada, which recording shall be done prior to the 11th day of May, 2007.

13 SECTION 7: The described territory, which previously has been zoned
14 R-E (County of Clark classification), is hereby classified as U (RNP) (City of Las Vegas
15 classification), which is deemed to be the City equivalent of the County classification.

16 SECTION 8: If any section, subsection, subdivision, paragraph, sentence,
17 clause of phrase in this ordinance or any part thereof, is for any reason held to be
18 unconstitutional, or invalid or ineffective by any court of competent jurisdiction, such
19 decision shall not affect the validity or effectiveness of the remaining portions of this
20 ordinance or any part thereof. The City Council of the City of Las Vegas hereby declares that
21 it would have passed each section, subsection, subdivision, paragraph, sentence, clause or
22 phrase thereof irrespective of the fact that any one or more sections, subsections,
23 subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional, invalid
24 or ineffective.

25 ...

26 ...

27 ...

28 ...

1 SECTION 9: All ordinances or parts of ordinances, sections, subsections,
2 phrases, sentences, clauses or paragraphs contained in the Municipal Code of the City of Las
3 Vegas, Nevada, 1983 Edition, in conflict herewith are hereby repealed.

4 PASSED, ADOPTED and APPROVED this _____ day of _____,
5 2007.

6 APPROVED:

7
8 By _____
9 OSCAR B. GOODMAN, Mayor

10 ATTEST:

11 _____
12 BEVERLY BRIDGES, Acting City Clerk

13 APPROVED AS TO FORM:

14 Val Steele 4-10-07
15 Date

1 The above and foregoing ordinance was first proposed and read by title to the Council on the
2 ____ day of _____, 2007, and referred to the following committee
3 composed of _____ and _____ for recommendation;
4 thereafter the said committee reported favorably on said ordinance on the ____ day of
5 _____, 2007, which was a _____ meeting of said Council; that
6 at said _____ meeting, the proposed ordinance was read by title to the City
7 Council as first introduced and adopted by the following vote:

8 VOTING "AYE": _____

9 VOTING "NAY": _____

10 ABSENT: _____

11 APPROVED:

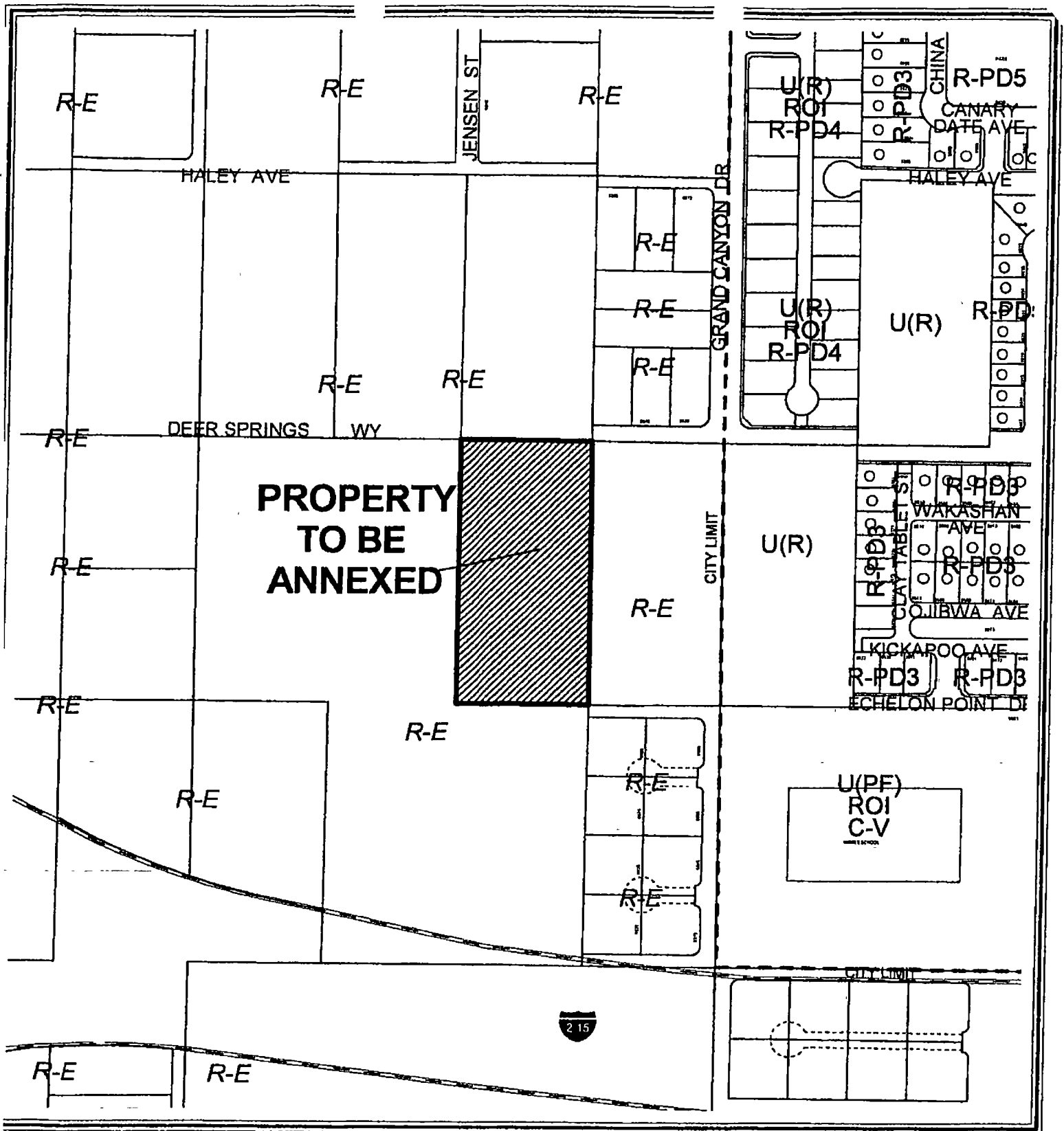
12

13 By _____
14 OSCAR B. GOODMAN, Mayor

15 ATTEST:

16

17 BEVERLY BRIDGES, Acting City Clerk
18 _____
19 _____
20 _____
21 _____
22 _____
23 _____
24 _____
25 _____
26 _____
27 _____
28 _____



CASE: ANX-19561

0 200 Feet



AGENDA SUMMARY PAGE
RECOMMENDING COMMITTEE MEETING OF: MAY 1, 2007

DEPARTMENT: CITY CLERK

DIRECTOR: BEVERLY K. BRIDGES, ACTING

SUBJECT:

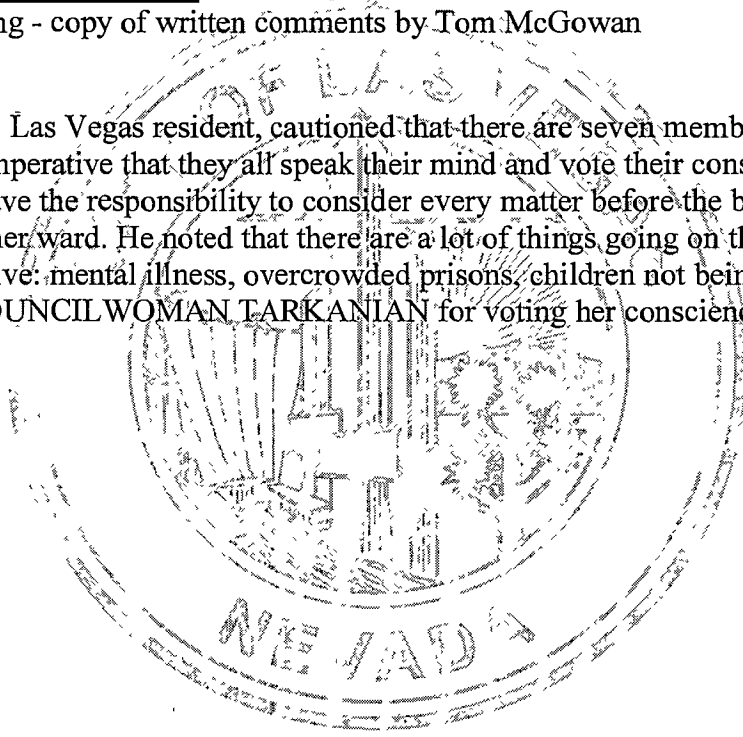
CITIZENS PARTICIPATION: Public comment during this portion of the agenda must be limited to matters within the jurisdiction of the committee. No subject may be acted upon by the committee unless that subject is on the agenda and is scheduled for action. If you wish to be heard, come to the podium and give your name for the record. The amount of discussion on any single subject, as well as the amount of time any single speaker is allowed, may be limited

BACKUP DOCUMENTATION:

Submitted at meeting - copy of written comments by Tom McGowan

Minutes:

TOM MCGOWAN, Las Vegas resident, cautioned that there are seven members on the City Council, and it is imperative that they all speak their mind and vote their conscience. This means that all members have the responsibility to consider every matter before the board, whether or not it involves his/her ward. He noted that there are a lot of things going on that make Las Vegas the worst place to live: mental illness, overcrowded prisons, children not being taken care of, etc. He commended COUNCILWOMAN TARKANIAN for voting her conscience.



TM/REC'D CITEG MTS. [HP TUES. 1 MAY, '07 (8m Flr)] (CH: L. TARKANIAN) (CM: S. ROSS)

PUBLIC COMMENT: - (CAUTION SUMMARY NOTES) ~ (PRIOR TO 'TABLING') ~

WITHOUT BEING FACETIOUS, ITS APPARENT THE CITY ATTORNEY'S EXHAUSTIVE PRESENTATION INCLUDES EVERYTHING BUT A PUBLIC APOLOGY TO THE ALLEGED PERPETRATORS. ~ IN CONTRAST;

Item # 3. - TOM MCGOWN; LAS VEGAS RESIDENT. ~ ITS REASONABLE TO ASSUME ANY GROUP OF TWO(2) OR MORE PERSONS ENGAGED IN UNLAWFUL ACTIVITY IS AN 'UNLAWFUL GATHERING'.

EXAMPLES INCLUDE: ~
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THANK YOU.

Item # 7. - TOM MCGOWN; LAS VEGAS RESIDENT. ~ HISTORICALLY, THE TERM: 'MINIMUM' IS EXPEDIENTLY SUBJECT TO CONSTRUCTION AS A 'MAXIMUM'. I RECOMMEND THE BILL INCLUDE PROVISION FOR A DISCRETIONARY 'UPSIDE OPEN END' 'MAXIMUM', WITHIN REASONABLE LIMITATIONS. ~ THANK YOU.

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Item # 10. - CITIZENS PARTICIPATION - (...)

(Latter Text SUBMITTED AND REQUESTED INCLUSION IN THE MINUTES).

AGENDA SUMMARY PAGE
RECOMMENDING COMMITTEE MEETING OF: MAY 1, 2007

DEPARTMENT: CITY CLERK

DIRECTOR: BEVERLY K. BRIDGES, ACTING

☐ Consent ☒ Discussion

SUBJECT:

ADJOURNMENT

Minutes:

The meeting adjourned at 4:51 p.m.

Respectfully submitted:


Gabriela Portillo-Brenner, Deputy City Clerk II
May 8, 2007

