

ORDINANCE G-6674

AN ORDINANCE RELATING TO RECOVERY OF COSTS  
AT EVENTS REQUIRING RESPONSE BY POLICE BY  
AMENDING THE PHOENIX CITY CODE, CHAPTER 2,  
SECTION 2-22 OF THE PHOENIX CITY CODE.

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BE IT ORDAINED BY THE COUNCIL OF THE CITY OF PHOENIX, as  
follows:

SECTION 1. Chapter 2, Section 2-22 of the Phoenix City Code, is  
amended as follows:

**2-22 Recovery of Costs at Events Requiring Response by Police**

- A. If a Police Officer responds to a party, gathering or large event and while at the scene determines that there is a threat to the public peace, health, safety or general welfare, any person who is responsible for the party, gathering or event is liable for the reasonable costs of a response by the police to that incident. THE CITY SHALL ISSUE TO THE PERSON RESPONSIBLE FOR THE PARTY, GATHERING OR LARGE EVENT A NOTICE. THE NOTICE SHALL CONTAIN THE FOLLOWING INFORMATION:
1. NUMBER OF POLICE OFFICERS THAT RESPONDED TO THE PARTY, GATHERING, OR LARGE EVENT.
  2. APPROXIMATE NUMBER OF ATTENDEES AT THE PARTY, GATHERING, OR LARGE EVENT.
  3. NUMBER OF WARNINGS, IF ANY, GIVEN TO THE PERSON RESPONSIBLE FOR THE PARTY, GATHERING OR LARGE EVENT.
  4. OTHER RELEVANT INFORMATION THAT SUPPORTS THE IMPOSITION OF THE COSTS OF RESPONDING TO THE PARTY, GATHERING, OR LARGE EVENT.
- B. The costs of a response by the police shall be a charge against any person who is responsible for the party, gathering or event under this section. The charge constitutes a debt of that person and is collectible by the City in the

same manner as in the case of an obligation under a contract. Costs imposed under this section are due and payable upon the expiration of the period to request a hearing under subsection E or upon notice of the Hearing Officer's decision if a hearing is requested. The liability imposed by this section is in addition to any liability otherwise imposed by the law.

- C. In no event shall a person's liability under this section for the costs of a response by the police exceed:
1. One thousand dollars for ~~each~~ THE FIRST incident WITHIN TWELVE-MONTH PERIOD.
  2. ONE THOUSAND AND FIVE HUNDRED DOLLARS FOR THE SECOND INCIDENT WITHIN TWELVE-MONTH PERIOD.
  3. TWO THOUSAND DOLLARS FOR THE THIRD AND SUBSEQUENT INCIDENT WITHIN TWELVE-MONTH PERIOD.
  4. The costs of a response shall be waived if any person who is responsible for the party, gathering or event initiates a request for a police response and assists the police in dispersing persons attending the party, gathering or event.
- D. For purposes of this section, unless the context otherwise requires:
1. Reasonable costs include the salaries of the responding police officers, at the salary then in effect for each classification of each individual officer, for the amount of time actually spent in responding to or remaining at the party, gathering, or event; appropriate overhead; the actual cost of any medical treatment to injured officers; and the cost of repairing any damaged City equipment or property.
  2. Party, gathering or event means a group of five or more persons who have assembled or are assembling in a manner which constitutes a substantial disturbance of the quiet enjoyment of private or public property. This includes, but is not limited to, excessive noise or traffic, obstruction of public streets by crowds or vehicles, public drunkenness, the service of alcohol to underage persons, fights, disturbances of the peace and litter.
  3. Person who is responsible for the party, gathering or event INCLUDES ~~means any person~~ WHO OWNS THE PREMISES, ANY PERSON WHO IS in actual or lawful control or possession of the premises, and any person who organized the party, gathering or event. If two or more persons are responsible for the party, gathering or event such persons shall be jointly and severally liable for the reasonable costs of a response. If the person

responsible for the party, gathering or event is a minor, the parents or guardian having custody or control of the minor shall be jointly and severally liable with such minor for the reasonable costs of a response. THE PERSON WHO IS RESPONSIBLE FOR THE PARTY, GATHERING OR EVENT DOES NOT INCLUDE OWNERS OR PERSONS IN ACTUAL OR LAWFUL CONTROL OR POSSESSION OF THE PREMISES WHERE A PARTY, GATHERING OR EVENT TAKES PLACE IF THE PERSONS IN ATTENDANCE OBTAINED USE OF THE PROPERTY THROUGH ILLEGAL ENTRY OR TRESPASSING.

4. A POLICE OFFICER OR OTHER POLICE EMPLOYEE SHALL PROVIDE THE NOTICE OF THE VIOLATION TO THE PERSON WHO IS RESPONSIBLE FOR THE PARTY, GATHERING OR EVENT IN ANY OF THE FOLLOWING MANNERS:

- (1) PERSONAL SERVICE TO ANY PERSON WHO IS RESPONSIBLE FOR THE PARTY, GATHERING OR EVENT BEING CITED AT THE PREMISES.
- (2) AS TO THE RESIDENT(S) OF THE PREMISES, POSTING OF THE NOTICE ON THE DOOR OF THE PREMISES OF THE PARTY, GATHERING OR EVENT.
- (3) AS TO THE PERSON WHO OWNS THE PREMISES, NOTIFICATION OF THE POSTING OF THE NOTICE ON THE DOOR OF THE PREMISES OF THE PARTY, GATHERING OR EVENT SHALL BE MAILED TO THE PROPERTY OWNER AT THE ADDRESS SHOWN ON THE MARICOPA COUNTY PROPERTY TAX ASSESSMENT RECORDS. NOTIFICATION SHALL BE MADE BY CERTIFIED MAIL AND REGULAR MAIL. THE RETURN RECEIPT WILL SERVICE AS EVIDENCE OF SERVICE.

E. Hearing Procedures.

1. A person liable for the costs of a police response under this section may, within ten days of receipt of notice of the costs imposed request a hearing BEFORE THE CITY MANAGER REPRESENTATIVE. THE CITY MANAGER SHALL DESIGNATE with a hearing officer WHO IS NOT AN EMPLOYEE OF THE POLICE DEPARTMENT OR A SWORN POLICE OFFICER designated by the City Manager. TO PRESIDE OVER THIS ADMINISTRATIVE HEARING.
2. The hearing officer shall set a time and place for the hearing as soon as practicable.
3. The hearing shall be conducted in an informal process to determine whether there is a sufficient factual and legal basis to impose the costs of

the police response and the reasonableness of the amount. The rules of evidence shall not apply, provided that the decision of the hearing officer shall in all cases be based upon substantial and reliable evidence. All parties to the hearing shall have the right to present evidence. The Police Department shall have the burden of establishing by a preponderance of evidence that the costs of the police response should be imposed and that the amount is reasonable under the circumstances. THE HEARING OFFICER MAY REDUCE THE COSTS IMPOSED PURSUANT TO THIS SECTION IF THE POLICE DEPARTMENT FAILED TO MEET ITS BURDEN OF PROOF.


4. The decision of the hearing officer is final. A failure of the person charged with the costs of a police response to timely request a hearing or the failure to appear at a scheduled hearing shall constitute a waiver of the right to a hearing or to challenge the validity or amount of the costs imposed.

SECTION 2. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court, such decision shall not affect the validity of remaining sections.

PASSED by the Council of the City of Phoenix this 4th day of March, 2020.

  
MAYOR

ATTEST:

  
City Clerk



APPROVED AS TO FORM:

  
Acting City Attorney *pml*

REVIEWED BY:

  
City Manager

PML:tml:(LF19-3318): 3/4/20: 2170580v1