

Article 1: Public Emergency Procedures

Division 10: Recovery of Costs For Use of Police Services At Large Events On Private Property

*(“Recovery of Costs For Use of Police Services At Large Events On Private Property”
added 5-22-1989 by O-17303 N.S.)*

§51.1001 Citation of Ordinance

This division may be cited as the San Diego Second Response Ordinance.
(“Citation of Ordinance” added 5-22-1989 by O-17303 N.S.)

§51.1002 Purpose and Intent

The City of San Diego finds and determines that: the control of large parties, gatherings or events on private property is necessary when such continued activity is determined to be a threat to the peace, health, safety or general welfare of the public. Police officers are often required to make several return trips to a location of a party, gathering or event in response to complaints, in order to disperse uncooperative participants, and the return of police officers to a location constitutes a drain of personnel and resources often leaving other areas of the city without minimal levels of police protection; all of which creates a significant hazard to the safety of the police officers and to the public in general.

(“Purpose and Intent” added 5-22-1989 by O-17303 N.S.)

§51.1003 Definitions

For the purposes of this division, the following definitions shall apply:

- (a) Large event shall include large parties or gatherings of five (5) or more persons, who have assembled or are assembling for a special occasion or for a social activity.
- (b) Police services 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.

- (c) Person responsible for the event is the person who owns the property where the party, gathering or event takes place; the person in charge of the premises and/or the person who organized the event. If the person responsible for the event is a minor, then the parents or guardians of that minor will be jointly and severally liable for the costs incurred for police services.
- (d) Special security assignment: The assignment of police officers and services during a second call to a location after the distribution of a written warning that the party, gathering or event violates the law.
(“Definitions” added 5-22-1989 by O-17303 N.S.)

§51.1004 Police Services At Large Events Requiring More Than One Response

When a large 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 for the special security assignment during a second response by the police after the first warning, to control the threat to the public peace, health, safety or general welfare.

The return call, or second call, may also result in the arrest and/or citation of violators of the state penal code or other local regulations.

(“Police Services At Large Events Requiring More Than One Response” added 5-22-1989 by O-17303 N.S.)

§51.1005 Police Services Fees

The police services fee shall include the cost of personnel and equipment but shall not exceed five hundred dollars (\$500.00) for a single incident.

The city does not hereby waive its right to seek reimbursement for actual costs exceeding five hundred dollars (\$500.00) through other legal remedies or procedures.

The amount of such fees charged shall be deemed a debt to the city of the person or persons receiving said services and, if minors, their parents or guardians. Any person owing money shall be liable in an action brought in the name of the city for recovery of such amount, including reasonable attorney fees.

(“Police Services Fees” added 5-22-1989 by O-17303 N.S.)

§51.1006 Billing

The Chief of Police shall notify the City Treasurer in writing upon the rendering of such police services, of the name and address of the responsible person, the date and time of the incident and the services performed and the costs thereof and such other information as may be required. The City Treasurer shall thereafter cause appropriate billings to be made.

(“Billing” added 5-22-1989 by O-17303 N.S.)

§51.1007 Affect on Criminal Prosecution

Nothing in the adoption or administration of this division shall be construed as affecting the ability to initiate or continue concurrent or subsequent criminal prosecution for any violation of the provisions of this code or any state law arising out of the same circumstances necessitating the application of this division.

(“Affect on Criminal Prosecution” added 5-22-1989 by O-17303 N.S.)