Item #9

City of Carson City
Board Action Request Form

Date Submitted: 10/30/2006

Agenda Date Requested: 11/16/06
Time Requested: 15 minutes

To: Mayor and Supervisors

From: Noel S. Waters, District Attorney

Subject Title: An Ordinance amending Title 8 (Public Peace, Safety and Morals) by adding a new Chapter 8.10, Social Host Liability Ordinance, to the Carson City Municipal Code, and other matters properly relating thereto.

Staff Summary: This ordinance is designed to effectively deter loud, unruly parties and gatherings on private premises. It is modeled upon a number of similar ordinances enacted around the United States which hold non-commercial individuals responsible for underage drinking, illegal drug activities or other dangerous and disruptive events occurring on property which they own, lease or otherwise control. Social host liability ordinances target the venues or locations where such nuisance activities take place, rather than directly target the wrong-doers (existing laws against furnishing alcohol to minors, minors consuming alcohol, possession or distribution of illegal drugs are already available direct-action tools).

This ordinance imposes civil liability, based upon public nuisance legal theory, upon social hosts and persons responsible for the private premises where loud or unruly gatherings take place. Responsible persons who conduct, aid, allow, permit or condone such gatherings are maintaining a public nuisance and subject to escalating civil fines over a 12-month period. First violations are $250, second violations in 12-months on the same premises or by the same responsible person is $500; three or more such violations is a $1,000 civil fine. In addition, the ordinance provides extensive notice provisions to landlords, owners, lessees and tenants when a violation is found to have occurred, including posting or "red-tagging" the premises.

A key provision is the recovery of "response costs:" the costs incurred by police, fire or other emergency response providers, when such public officials are required to respond to a second or subsequent loud or unruly gathering within 12 months of a warning/posting being given to persons responsible for the premises. These response costs are defined to include emergency responder salaries and benefits, administrative costs, any medical treatment expenses, and/or damage to repair City equipment or property. All responsible persons, whether or not they reside on the premises, are jointly and severally liable for response costs. The ordinance further provides various appeal procedures akin to those available for other public nuisance abatement actions, and exempts constitutionally protected activities.

Type of Action Requested: (check one)

(____) Resolution (_XX_) Ordinance (First Reading)
(____) Formal Action/Motion (____) Other (Specify)