

ORDINANCE NO. 5096

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHANDLER, ARIZONA, DECLARING THAT DOCUMENT ENTITLED "FULL REPEAL AND REPLACEMENT OF SECTION 11-16, PROVIDING A LOCATION FOR AN UNLAWFUL MINOR PARTY/GATHERING PROHIBITED, RETITLING SECTION 11-16 AS UNRULY GATHERING" TO BE A PUBLIC RECORD; AMENDING CHAPTER 11, CURFEW, GRAFFITI, SMOKING AND MISCELLANEOUS OFFENSES, BY REPEALING AND REPLACING SECTION 11-16 IN ITS ENTIRETY, RETITLING SECTION 11-16 AS UNRULY GATHERING; PROVIDING FOR THE REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR PENALTIES.

WHEREAS, in May of 2015, the Chandler City Council adopted Ordinance No. 4642 amending Chandler City Code, Chapter 11, adding Section 11-16; Providing a Location for an Unlawful Minor Party/Gathering, also known as a social host ordinance;

WHEREAS, the City of Chandler adopted Ordinance No. 4642 for the purpose of preventing and deterring underage drinking in the community by promoting social responsibility within the community and penalizing social hosting of parties that facilitated or allowed underage drinking;

WHEREAS, the City Council now seeks to replace Ordinance No. 4642 with an unruly gathering ordinance that not only addresses underage drinking but all behaviors that threaten the peace, health, safety, or welfare of the general public; and

WHEREAS, the City Council wishes to promote the safety of individuals attending gatherings held at private residences by assuring that responsible person(s) are held civilly and criminally responsible for such unruly gatherings that jeopardize the welfare of the community.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Chandler, Arizona, as follows:

Section 1. That certain document entitled "Full Repeal and Replacement of Section 11-16, Providing a location for an unlawful minor party/gathering prohibited, Retitling Section 11-16 as Unruly gathering," one paper copy and one electronic copy of which shall remain on file in the office of the City Clerk, is hereby declared to be a public record.

Section 2. That the Chandler City Code is hereby amended by adoption of the amendments set forth in, "Full Repeal and Replacement of Section 11-16, Providing a location for an unlawful minor party/gathering prohibited, Retitling Section 11-16 as Unruly gathering," said document having been declared to be a public record.

Section 3. Providing for Repeal of Conflicting Ordinances.

All ordinances or parts of ordinances in conflict with the provisions of this ordinance, or any parts hereof, are hereby repealed.

Section 4. Providing for Severability.

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 of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

Section 5. Providing for Penalties

Unless otherwise designated, a violation of this ordinance is a civil infraction subject to the provisions of Section 1-8.7 of the Chandler City Code. Any person who commits a violation which has been designated a civil infraction after previously having been found responsible for committing a civil infraction within any eighteen-month period, whether by admission, by payment of the fine, by default, or judgment after hearing, shall be guilty of a Class 1 misdemeanor and subject to the penalty provisions of Section 1-8 of the Chandler City Code.

INTRODUCED AND TENTATIVELY APPROVED by the City Council of the City of Chandler, Arizona, this _____ day of _____, 2024.

ATTEST:

CITY CLERK

MAYOR

PASSED AND ADOPTED by the City Council of the City of Chandler, Arizona, this ____ day of _____, 2024.

ATTEST:

CITY CLERK

MAYOR

CERTIFICATION

I HEREBY CERTIFY that the above and foregoing Ordinance No. 5096 was duly passed and adopted by the City Council of the City of Chandler, Arizona, at a regular meeting held on the ____ day of _____, 2024, and that a quorum was present thereat.

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY *AK*

Published:

Full Repeal and Replacement of Section 11-16, Providing a location for an unlawful minor party/gathering prohibited, Retitling Section 11-16 as Unruly gathering.
{Public Record for Ordinance No. 5096}

Chapter 11 of the Chandler City Code, Curfew, Graffiti, Smoking and Miscellaneous Offenses; Section 11-16, Providing a location for an unlawful minor party/gathering prohibited, is hereby repealed in its entirety, and replaced with Section 11-16 Retitled as, Unruly gathering, as follows:

11-16 Unruly gathering.

11-16.1 The City Council finds and determines it is a public nuisance for any Responsible Persons(s), social hosts or property Owner(s) to permit, allow or host an Unruly Gathering on residential property (or other private real property under his or her ownership or control) as defined herein.

11-16.2 Definitions. For this section, the following terms shall have the meanings respectively ascribed to them herein unless the context requires otherwise:

1. *Illegal Drugs* means a drug or substance the possession and use of which is prohibited under Title 13 of the Arizona Revised Statutes. The term does not include any drug or substance for which a person has a valid prescription issued by a licensed medical practitioner authorized to issue such a prescription or is otherwise authorized by law.
2. *Juvenile* means a minor under the age of eighteen (18) years.
3. *Minor* means any person under the age of twenty-one (21) years.
4. *Owner* means any person or legal entity that owns a property or has charge, care or control of a property as a legal owner.
5. *Premises* means any private or public property that is the site of an Unruly Gathering. For residential properties, Premises may include the dwelling unit, units, or other common areas where the Unruly Gathering occurs.
6. *Responsible Person* means any person in attendance at an Unruly Gathering including any Owner, occupant tenant, or tenant's guest or any sponsor, host or organizer of a social activity or special occasion or Owner that was aware of the social activity or special occasion constituting the Unruly Gathering, even if such person is not in attendance, or any Owner who had been notified that an Unruly Gathering had previously occurred on the same Premises within 180 days prior to a subsequent Unruly Gathering. If such person is a Juvenile, the term Responsible Person includes, in addition to the Juvenile, the Juvenile's parents or guardians. Responsible Person does not include Owners or persons in charge of the Premises where an Unruly Gathering takes place if the persons in attendance obtained

use of the Premises through illegal entry or trespassing. A person need not be present at the time of the party, gathering or event to be deemed responsible.

7. *Spirituos Liquor* shall have the same meaning as defined in A.R.S. § 4-101(38).
8. *Unruly Gathering* means a gathering of persons on any private or public property, including property used to conduct business, which constitutes a threat to the public peace, health, safety or general welfare including, but not limited to: excessive noise (meaning noise witnessed and reasonably evaluated by a police officer and/or by a code enforcement officer as disturbing the peace and quiet enjoyment of people working or living in the vicinity of the Premises), impeding traffic, obstruction of streets by crowds or vehicles, use or possession of Illegal Drugs, drinking alcohol in public areas, the service of alcohol to minors or consumption of alcohol by minors, fighting, disturbing the peace, and/or littering.

11-16.3 Unruly gathering.

1. It shall be unlawful for a Responsible Person to intentionally, knowingly, or recklessly permit an Unruly Gathering.
2. On any response to an Unruly Gathering, the Responsible Person(s) in violation of this section may be charged with a Class 1 misdemeanor if any of the following are found or occur on the Premises or if the Owner had notice that an Unruly Gathering had previously occurred on the Premises within the prior one hundred and eighty days (180) days:
 - i. Minor in possession of alcohol.
 - ii. Minor in consumption of alcohol.
 - iii. Illegal Drugs.
 - iv. Any act designated a felony in the Arizona Revised Statutes; or
 - v. Physical altercation(s) that result in injury.

11-16.4 Unruly gathering response. A police officer may abate an Unruly Gathering by reasonable means including, but not limited to, citation or arrest of violators under applicable ordinances or state statutes and dispersing any remaining gathered participants. Any participant who is not a resident of the Premises and who fails to disperse following a lawful order from a police officer pursuant to this section may be deemed a Responsible Person and cited for an Unruly Gathering.

11-16.5 Penalties. Unless otherwise designated, a violation of this section is a civil infraction subject to the provisions of Section 1-8.7 of this Code. Any person who commits a violation which has been designated a civil infraction after previously having been found responsible for committing a civil infraction within any eighteen-month period, whether by admission, by payment of the fine, by default, or judgment after hearing, shall be guilty of a Class 1 misdemeanor and subject to the penalty provisions of Section 1-8 of this Code.