

RESOLUTION NO. 2022-2277

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF GOODYEAR, MARICOPA COUNTY, ARIZONA, DECLARING A PUBLIC RECORD THAT CERTAIN DOCUMENT FILED WITH THE CITY CLERK AND TITLED "AMENDMENT TO GOODYEAR CITY CODE OF ORDINANCES CHAPTER 11-OFFENSES, SECTION 11-1-28, AMENDING UNRULY GATHERING REGULATIONS."

Be it resolved by the Mayor and Council of the City of Goodyear, Maricopa County, Arizona, as follows:

SECTION 1. DECLARATION OF PUBLIC RECORDS

That a certain document titled "Amendment to Goodyear City Code of Ordinances Chapter 11-Offenses, Section 11-1-28, Amending Unruly Gathering Regulations," a copy of which is attached hereto as Exhibit A, is hereby declared a public record.

SECTION 2. PURPOSE

The aforementioned documents are declared public records in connection with the adoption of Ordinance 2022-1560.

SECTION 3. COPIES FILED WITH THE CITY CLERK

Either three paper copies or one paper copy and one electronic copy maintained in compliance with section A.R.S 44-7041 of each of the aforementioned documents being declared public records herein are ordered to remain on file with the City Clerk and to be available for public use and inspection during regular business hours.

PASSED AND ADOPTED by the Mayor and Council of the City of Goodyear, Maricopa County, Arizona, by a _____ vote, this _____ day of _____, 20_____.

Joe Pizzillo, Mayor

Date: _____

ATTEST:

APPROVED AS TO FORM:

Darcie McCracken, City Clerk

Roric Massey, City Attorney

EXHIBIT "A"

AMENDMENT TO GOODYEAR CITY CODE OF ORDINANCES CHAPTER 11-OFFENSES, SECTION 11-1-28, AMENDING UNRULY GATHERING REGULATIONS

Pursuant to Ordinance No. 2022-1560 adopted by the City of Goodyear City Council on November 7, 2022, CHAPTER 11, SECTION 11-1-28 of the City of Goodyear Code of Ordinances is hereby amended to read as follows:

SUBSECTION 11-1-28(A) AND (B) ARE AMENDED AS FOLLOWS:

§ 11-1-28 Unruly gathering.

(A) *Purpose and intent.* The purpose of this section is to deter behavior associated with unruly gatherings and to allow the City's police department to respond to unruly gatherings which have been determined to be a threat to the peace, health, safety, or welfare of the general public. The City of Goodyear finds and determines that unruly gatherings held on private or public property may constitute a nuisance which is a threat to the peace, health, safety and welfare of the general public. Police officers have been required to make repeated responses to unruly parties, gatherings, or events to abate the nuisance and to disperse uncooperative or unruly participants and to restore the public peace and welfare. Such repeat calls deplete the manpower and resources of the Police Department and can leave other areas of the City with compromised levels of police protection so as to create a significant threat to the safety of both citizens and police officers alike.

(B) *Definitions.* In this section, unless the context otherwise requires, the following terms or phrases are defined as follows:

- (1) "**JUVENILE**" means any person under the age of 18 years.
- (2) "**MINOR**" means any person under the age of 21 years.
- (3) "**OWNER**" means any owner, as well as any agent of an owner such as a landlord, acting on behalf of the owner, who controls or otherwise regulates the occupancy or use of the property.
- (4) "**PREMISES**" means any private or public property that is the site of an Unruly Gathering. For residential properties, Premises can mean the dwelling unit, units, or other common areas where the Unruly Gathering occurs.
- (5) "**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 a 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 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.

(6) "**UNRULY GATHERING**" means a gathering of ten or more 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 public streets by crowds or vehicles, use or possession of illegal drugs, drinking in public areas, the service of alcohol to minors or consumption of alcohol by minors, fighting, disturbing the peace, and/or littering.

(7) "**UNRULY GATHERING NOTICE (NOTICE)**" means a document identifying the Premises as the site of an Unruly Gathering in which a citation was issued and advising the Owner, occupants, guests or other persons entering the Premises that any future Unruly Gathering upon the Premises shall have additional consequences.

SUBSECTION 11-1-28(E) IS AMENDED AS FOLLOWS:

(E) *Posting of Unruly Gathering.*

(1) The Premises at which the Unruly Gathering occurs shall be posted with a Notice stating:

(a) That an Unruly Gathering has occurred at the Premises;

(b) The date of the Unruly Gathering;

(c) That any subsequent Unruly Gathering on the same Premises resulting in a citation, and subsequent conviction thereof, within a 90 day period (or within 120 days of a second Unruly Gathering, as defined herein, and within 180 days of a third Unruly

Gathering, as defined herein) shall result in the Responsible Person(s) liability for the penalties provided in this section;

(d) The right to contest the posting, as provided in subsection (G) of this section; and

(e) Contact information at the Police Department.

(2) *Posting Requirements.* Premises shall be posted with an Unruly Gathering Notice as provided in this section each time an Unruly Gathering occurs. The Owner, occupant or tenant of the Premises, if present, shall be advised as to the location in which such Notice is posted in order to achieve both the security of the Notice and its prominent display. The Unruly Gathering Notice shall be posted in a place visible upon inspection by a police officer during the prescribed period. In the event that the Premises are already posted at the time of a subsequent posting, the 90 day period from the date of the existing posting shall be extended an additional 120 days from the date of the subsequent posting.

SUBSECTIONS 11-1-28(F) THROUGH (I) REMAIN UNCHANGED