

ORDINANCE NO. O-2022-016
AN ORDINANCE RELATING TO PARTIES, GATHERINGS, AND EVENTS

WHEREAS, Hooper City desires to maintain a peaceful and safe environment for its citizens and for visitors to the City; and,

WHEREAS, In order to maintain peace and tranquility within the City it is necessary, on some occasions, to restrict and prevent noisy and boisterous gatherings, parties, and activities; and,

WHEREAS, Hooper City pays a fee for law enforcement services to the Weber County Sheriff's office and that fee is based partially on the number of incident responses required by the Sheriff's office in a given year; and,

WHEREAS, Hooper City desires to recover costs of incident responses from those parties that necessitate the response in certain circumstances.

NOW, THEREFORE, be it ordained by the City Council of Hooper City, Utah:

TITLE IX

CHAPTER 5

9-5-1: Definitions

The following words, phrases and terms as used in this chapter shall have the meaning for this chapter as indicated below:

A. **"Host"** means:

1. The person having an ownership or leasehold interest in the premises; or
2. A person who resides at or occupies the premises in any capacity, other than as a mere guest at the party, gathering or event; or
3. The person in charge of the premises; or
4. The person who organized the party, gathering or event; or
5. The person who gave permission to hold the party, gathering or event on the premises;
6. If the party is hosted by an organization, either incorporated or unincorporated, the term "host" includes the officers of the organization;

7. If the host is a minor under eighteen (18) years of age, the term "host" includes the parents or legal guardians of the minor, whether or not they are present at the premises.
- B. **"Noise disturbance"** means: Any sound which annoys or disturbs reasonable persons with normal sensitivities, or which injures or endangers the comfort, repose, health, hearing, peace and safety of other persons.
- C. **"Party, gathering, or event"** means three (3) or more persons assembled for a social activity where: (i) alcoholic beverages have been or are being consumed contrary to law, (ii) substances regulated by the Utah controlled substances act are used by any person, or (iii) the noise from the party, gathering, or event makes a noise disturbance.
- D. **"Premises"** means the property at which a party, gathering, or event occurs.
- E. **"Services fee"** means the fee imposed by this chapter, calculated to cover, without limitation, related police costs and reasonable attorney fees.

9-5-2: Services Fees-Special Security Assignment

- A. Any person hosting a party, gathering, or event within the City may be liable for a services fee assessed by the City Administration. Any services fee may be in addition to such other costs and penalties as may be provided by law.
- B. A services fee is owed for each time a peace officer responds to a call or otherwise arrives at a premises to deal with a party, gathering, or event. The amount of the fees and the persons owing the fees are as follows:
1. For non-rental property, the host of the activity shall owe \$300 for each visit of one or more peace officers;
 2. For rental property, the host shall owe \$300 for each visit of one or more peace officers; in addition, the owner of the premises shall owe \$100 for the third visit and \$300 for any additional visits of one or more peace officers during any 365-day period;
 3. For all other parties, gatherings, or events, the host of the activity shall owe \$300 for each visit of one or more peace officers.
- C. All services fees assessed under this chapter shall be due and payable within three (3) business days after the date a written notice of the services fee is sent to the person against whom the services fee is assessed. Any services fee paid within thirty (30) days after the due date shall be reduced by fifty (\$50) dollars. Any services fee paid more than thirty (30) days after the due date shall not be reduced. If any services fee is not paid within thirty (30) days after the due date, the City may use such lawful means as are available to collect such services fee. If the City files an action in court to recover such services fee, the City shall be entitled to recover its court costs, prejudgment interest, and attorney's fees in addition to the services fee due and owing.

9-5-3: Recovery of Actual Costs

In addition to the services fees described in section 1 of this chapter, the City reserves the right to seek reimbursement for actual costs that exceed the stated services fee, through other legal theories, remedies, or procedures.

9-5-4: This Chapter Not To Preclude Other Appropriate Action

Nothing in this chapter shall be construed to prevent the arrest or citation of violators of the state penal code or other regulations, ordinances, or laws.

9-5-5: Administrative Appeals

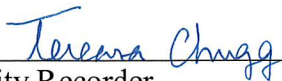
- A. The Roy/Weber County Justice Court shall consider matters relating to services fees.
- B. Any person having received notice of the assessment of a services fee may appear before the Roy/Weber County Justice Court and present and contest the alleged violation upon which the services fee was based.
- C. If the Roy/Weber County Justice Court finds that no violation occurred and one or more of the defenses set forth in this section is applicable, the justice court may dismiss the services fee notice, release the defendant from liability for the services fee, or modify the services fee as justice and equity may require. Such defenses are:
 - 1. Wrong name and address on the services fee notice;
 - 2. Compliance with the subject ordinances would have presented an imminent and irreparable injury to persons or property;
 - 3. Such other mitigating circumstances as may be shown by the appellant.
- D. If the Roy/Weber County Justice Court finds that a services fee was properly imposed and no applicable defense exists, the justice court may, in the interest of justice and on behalf of the City, enter into an agreement for the timely or periodic payment of the services fee.

This Ordinance shall become effective upon publication as required by law, fifteen (15) days after final passage.

PASSED this 17th day of November, 2022.


Dale R. Fowers, Mayor

ATTEST:


City Recorder

Voting:

Council Member Cox	<u>Yes</u>
Council Member Hill	<u>Yes</u>
Council Member Northrop	<u>Yes</u>
Council Member Wilcox	<u>Yes</u>
Council Member Marigonie	<u>Yes</u>