

City of Hesperia

STAFF REPORT



DATE: August 16, 2022

TO: Mayor and Council Members
Chair and Board Members, Hesperia Water District
Chair and Board Members, Hesperia Housing Authority
Chair and Board Members, Hesperia Community Development Commission

FROM: Nils Bentsen, City Manager

BY: Melinda Sayre, Director of Government Services/City Clerk
Jacquelyn Castillo, Administrative Analyst

SUBJECT: Consideration of the Amendment to Title 1 related to Police Multiple Response/Firework Fees and Amendment to the City-wide Fee Schedule and Bail Schedule Related to Police Multiple Response/Firework Fees

RECOMMENDED ACTION

It is recommended that the City Council, Board of Directors for the Hesperia Water District, Board of Directors for the Hesperia Housing Authority, and the Commissioners of the Community Development Commission introduce and place on first reading Ordinance No. 2022-12 amending Title 1 of the Hesperia Municipal Code related to Police Multiple Response/Firework fees; adopt Joint Resolution No. 2022-62, Resolution No. HWD 2022-14, Resolution No. HHA 2022-07, and Resolution No. HCDC 2022-04 amending the City-wide fee schedule related to the fees for the Multiple Response Program; and adopt Resolution No. 2022-63 amending the City-wide bail schedule related to prohibited firework fees.

BACKGROUND

The City's Multiple Response Program is governed by Hesperia Municipal Code Section 1.12.130 Special Enforcement Procedures, where large or tumultuous parties, domestic disturbances, gatherings, boisterous activities, or music, or any combination thereof, which interfere with the neighbors' reasonable enjoyment of their property, constitute a threat to public peace, morals, and safety, and elicit numerous calls to the police department.

In addition to disturbances and boisterous activities, the occurrence of multiple false alarms requiring police department response and multiple 911 calls where reasonable circumstances are not established have the effect of reducing manpower availability and therefore, threatening public safety. For the purposes of this section, multiple false alarms and/or multiple unreasonable 911 calls are considered a disturbance and subject to police multiple response fees. For the first incident, the responsible party will be issued a written warning (no fee) and the property will be placed on a probation period for three years from the date of the initial response. Any additional responses that occur during the three-year probation period will cause the property to be subject to the fee schedule on the next page.

Furthermore, the possession and usage of fireworks requires police and city department response and reduces manpower availability, in addition to creating an unsafe situation and threatening public safety and so shall be considered a disturbance and subject to police multiple

response fees, and are subject to a separate fine schedule, and fees are issued upon the first occurrence.

ISSUES/ANALYSIS

Multiple Disturbance/Firework Fees

Multiple Disturbance/Firework fees were presented as a discussion item at the July 19, 2022 City Council meeting. Staff sought direction from City Council members to amend fees related to the Multiple Disturbance fees. Accordingly, it was determined that fees should be increased to deter repeat offenders from engaging in boisterous activities, false alarms/multiple unreasonable 911 calls, and use of illegal fireworks.

It is recommended that the fee schedule for general disturbances be updated as follows:

General Disturbance Fees:

- First Response: No Charge/ Warning and three-year probation
- Second Response: Increase from \$150 to \$500
- Third Response: Increase from \$500 to \$1000
- Fourth Response: Will remain at \$1,000
- Each Subsequent Response: Will remain at \$2,500
- (Actual costs may be assessed in addition to any subsequent response)
- Citation Filing Fee: \$19 (charged to each response)
- Late Fees: 50% of total due

It is recommended that the bail schedule for fireworks be updated as follows:

Fireworks Fine Schedule

- First Response: Increase from \$1,000 to \$1,250 (to align with County fines)
- Second Response: Increase from \$2,000 to \$2,500
- Third Response: Increase from \$3,000 to \$5,000
- Fourth Response: Increase from \$3,000 to \$5,000
- Subsequent response: Increase from \$3,000 to \$5,000
- (Actual costs may be assessed in addition to any subsequent response)
- Citation Filing Fee: \$19 (charged to each response)
- Late Fees: 50% of total due

Multiple Disturbance/Firework Statistics

Staff conducted an analysis of the total number of multiple disturbances/firework responses for the period of January 1, 2020 through July 31, 2022. Grand totals are outlined in the chart below by year and activity type:

YEAR	911 CALLS	DISTURBING THE PEACE	FALSE ALARM BUSINESS	FALSE ALARM RESIDENTIAL	FIREWORKS	MUSIC	OTHER	PARTY	GRAND TOTALS
2020	2	25	32	1	31	38	1	55	185
2021		19	35	4	19	24	15	11	127
2022		12	23	5	18	28	4	75	165
TOTALS	2	56	90	10	68	90	20	141	477

An analysis of the statistical data for this scope period revealed that there was a total of 385 locations where there were multiple disturbances/firework responses. Of this total, 50 locations had 2 or more calls.

With the increased fees, staff anticipates a reduction in the number of repeat offenses.

FISCAL IMPACT

Adoption of this resolution will allow the City to continue to collect fees that adequately recover costs based on services provided.

ALTERNATIVE(S)

1. Provide alternative direction to staff.

ATTACHMENT(S)

1. Ordinance No. 2022-12
2. Exhibit "A" Title 1 Chapter 1.12.130 (16)(d) Multiple Police Response - Fireworks
3. Joint Resolution No. 2022-62
4. Fee Schedule and Exhibit "A" attached
5. Resolution No. 2022-63
6. Bail Schedule with Exhibit "A" attached