

# City of Hesperia

## STAFF REPORT



**DATE:** May 19, 2020

**TO:** Mayor and Council Members

**FROM:** Nils Bentsen, City Manager

**BY:** Michael Blay, Assistant City Manager  
Tina Bulgarelli, Administrative Analyst

**SUBJECT:** Adoption of Ordinance No. 2020-07 amending Title 1 of the Municipal Code  
Related to the Police Multiple Response Program

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### RECOMMENDED ACTION

It is recommended that the City Council introduce and place on first reading Ordinance No. 2020-07 amending Title 1 of the Hesperia Municipal Code related to the Police Multiple Response Program.

### BACKGROUND

In 2007 the City Council adopted regulations related to the Police Multiple Response Program. The program was modified in 2011 to provide for secondary warnings if the cited person went a period of three years without further response or calls for service. The program, administered by Police and Development Services aims to mitigate loud, tumultuous parties, false alarms at residences and businesses, disturbance of the peace in neighborhoods and other violations of Penal Codes 407, 415, and 416, all of which deal with either large tumultuous gatherings, disturbing the peace or failure to disperse when ordered by the police. The program has also been used to mitigate continual 911 calls when there is no emergency and the person is abusing the 911 system.

Prior to program inception these types of activities resulted in multiple calls for service to the Sheriff's Department, draining the police resources as Deputies returned multiple times to the same location for disturbances, false alarms or repeated 911 calls. The program includes a probation period with a warning then escalating fees for service for persons who do not desist the unwanted disturbance and cause the police to return numerous times to the same location for the same reason.

On May 5, 2020, the City Council heard an Ordinance modifying the bail schedule related to fireworks. While the bail schedule and administrative citations can be an effective tool for mitigating a nuisance, utilizing the Police Multiple Response program may also motivate residents to desist from using or possessing fireworks.

### ISSUES/ANALYSIS

Fireworks, even the "safe and sane" kind have been illegal in Hesperia for many years. Firework usage can create unsafe situations, cause property damage and generally disturbs neighborhoods. The use of fireworks within residential neighborhoods can be especially disturbing, causing calls for service to the Police Department, and an upswing in calls for lost or dead animals the following day as animals, especially dogs, are prone to become frightened

and escape during times of firework noise. These situations create a drain on City and Police resources and as such a cost recovery mechanism is necessary to ensure that this type of activity is discouraged and that the City and Police Department are able to recover costs related to calls for service for fireworks.

Staff is recommending additional language within Municipal Code Section 1.12.130 –Special Enforcement Procedures to include fireworks usage and possession in the Police Multiple Response Program.

By including fireworks in the program, Deputies will be able to write the response form to the tenant or homeowner where the fireworks are being used, recovering the cost of the call for service and encouraging the tenant or homeowner to comply with City law regarding the prohibition of fireworks possession and usage.

Staff is also recommending that due to the dangerous nature of this violation, that the section related to fireworks include fees for service at the first call, rather than a no-fee warning which is part of the current program. Staff is recommending leaving in place the three-year probation period as this is an important function of the current program and allows tenants and homeowners to go a period of time without additional calls for service and enjoy either a secondary warning or a fee that has not escalated because they diligently mitigate their impact on resources for the designated period of the probation.

#### **FISCAL IMPACT**

None.

#### **ALTERNATIVE(S)**

1. Provide alternative direction to staff.

#### **ATTACHMENT(S)**

1. Ordinance No. 2020-07