

**PHOENIX CITY CODE revised October 21, 2009**

**ORDINANCE G-5444**

**Phoenix City Code Article I**

**Division 5 Section 2-22, Recovery of costs at events requiring response by police**

- A. If a Police Officer responds to a party, gathering or large event and while at the scene determines that there is a threat to the public peace, health, safety or general welfare, any person who is responsible for the party, gathering or event is liable for the reasonable costs of a response by the police to that incident.
- B. The costs of a response by the police shall be a charge against any person who is responsible for the party, gathering or event under this section. The charge constitutes a debt of that person and is collectible by the City in the same manner as in the case of an obligation under a contract. Costs imposed under this section are due and payable upon the expiration of the period to request a hearing under subsection E or upon notice of the Hearing Officer's decision if a hearing is requested. The liability imposed by this section is in addition to any liability otherwise imposed by the law.
- C. In no event shall a person's liability under this section for the costs of a response by the police exceed one thousand dollars for each incident. The costs of a response shall be waived if any person who is responsible for the party, gathering or event initiates a request for a police response and assists the police in dispersing persons attending the party, gathering or event.
- D. For purpose of this section, unless the context otherwise requires:
  - 1. Reasonable costs include the salaries of the responding police officers, at the salary then in effect for each classification of each individual officer, for the amount of time actually spent in responding to or remaining at the party, gathering, or event; appropriate overhead; the actual cost of any medical treatment to injured officers; and the cost of repairing any damaged City equipment or property.
  - 2. Party, gathering or event means a group of five or more persons who have assembled or are assembling in a manner which constitutes a substantial disturbance of the quiet enjoyment of private or public property. This includes, but is not limited to, excessive noise or traffic, obstruction of public streets by crowds or vehicles, public drunkenness, the service of alcohol to underage persons, fights, disturbances of the peace and litter.
  - 3. Person who is responsible for the party, gathering or event means any person in actual or lawful control or possession of the premises, and any person who organized the party, gathering or event. If two or more persons are responsible for the party, gathering or event such persons shall be jointly and severally liable for the reasonable costs of a response. If the person responsible for the party, gathering or event is a minor, the parents or guardian having custody or control of the minor shall be jointly and severally liable with such minor for the reasonable costs of a response.
- E. Hearing Procedures:
  - 1. A person liable for the costs of a police response under this section may, within ten days of receipt of notice of the costs imposed request a hearing with a Hearing Officer designated by the City Manager.
  - 2. The Hearing Officer shall set a time and place for the hearing as soon as practicable.
  - 3. The hearing shall be conducted in an informal process to determine whether there is a sufficient factual and legal basis to impose the costs of the police response and the reasonableness of the amount. The rules of evidence shall not apply, provided that the decision of the Hearing Officer shall in all cases be based upon substantial and reliable evidence. All parties to the hearing shall have the right to present evidence. The Police Department shall have the burden of establishing by a preponderance of

evidence that the costs of the police response should be imposed and that the amount is reasonable under the circumstances.

4. The decision of the Hearing Officer is final. A failure of the person charged with the costs of a police response to timely request a hearing or the failure to appear at a scheduled hearing shall constitute a waiver of the right to a hearing or to challenge the validity or amount of the costs imposed.