

UNRULY GATHERINGS

THE "RED TAG" ORDINANCE

Unruly Gathering Ordinance (Tucson City Code, Neighborhood Preservation Ordinance, Ordinance 9814, Section 16-32.)

The Tucson Police Department will respond to any gathering of a loud or unruly nature. An unruly gathering is any gathering of five or more persons who disturb the peace of their neighbors through excessive noise, littering, obstruction of public streets, drinking in public, minors consuming or being served alcohol, fighting, excessive traffic, or similar conduct. The existing noise ordinance, Section 16-31, remains in effect and the "Unruly Gatherings," Section 16-32, provides additional violations for loud or unruly conduct.

For Section 16-32 to apply, the following criteria must exist:

- * complainant (the ordinance may be enforced even if the complainant is a refused complainant)
- * there must be a gathering of five (5) or more people,
- * it must be on private property (this also applies to businesses such as bars)
- * the gathering must cause a disturbance as a result of conduct described above

This does not preclude responding officers from issuing citations for other violations, e.g.. liquor law violations, contributing to the delinquency of a minor, etc., which are occurring at the time of the response.

First Offense

- * A Notice of Public Nuisance is filled out by the officer.
- * A citation for a civil infraction, is issued to the owner, occupant or tenant where the gathering occurred, any person in attendance who engaged in conduct causing the unruly gathering and any person(s) who sponsored the event.
- * Resident(s) of the premises as to where the notice shall be posted are consulted to achieve both the security of the notice and its prominent display.
- * Responsible party shall be fined a mandatory \$100.

Second Offense

Officers will take appropriate enforcement action for a second or subsequent violation of Section 16-32. The following conditions must exist:

- * The response must be less than 180 days from the date listed on the Notice of Public Nuisance.
- * There must be a complainant, even if the complainant is a refused complainant.
- * The gathering must consist of five (5) or more people.
- * It must be on private property (including business property).
- * The gathering must create a disturbance as described above.

If the second or subsequent response to a complaint meets the above criteria, then:

- * A citation(s) for a civil infraction, "subsequent unruly gathering" is issued to the owner, occupant or tenant where the gathering occurred, any person in attendance who engaged in conduct causing the unruly gathering and any person(s) who sponsored the event.
- * A new Notice of Public Nuisance using the second response date will be posted. Residents of the premises will be consulted as to where the notice shall be posted where it will achieve both the security of the notice and its prominent display.
- * Responsible party shall be fined a mandatory \$500.
- * For an additional violation, responsible party shall be fined a mandatory \$1,000.

*For an additional infraction, responsible party shall be fined a mandatory \$1,500.

It is considered a civil infraction under 16-32 if the public notice is removed, defaced or concealed .

The residents of the property are responsible for ensuring that the sticker is not removed or defaced.

The posting may be contested by filing a written request for a hearing with the Civil Infractions Division of City Court within 10 days.

For exact wording of the ordinance, refer to the link from the City Clerk's webpage,
<http://cms3.tucsonaz.gov/clerk/tucson-city-code>