



Council Agenda Report

Item 6a

Department: Police
Cost Center: 8001
For Agenda of: 1/9/2024
Placement: Public Hearing
Estimated Time: 60 Minutes

FROM: Rick Scott, Police Chief
Prepared By: Fred Mickel, Deputy Chief

SUBJECT: INTRODUCTION OF AN ORDINANCE AMENDING MUNICIPAL CODE
SECTION 9.22.040 - SAFETY ENHANCEMENT ZONES

RECOMMENDATION

Introduce an Ordinance entitled, "An ordinance of the City Council of the City of San Luis Obispo, California, amending chapter 9.22 (Safety Enhancement Zones) of the Municipal Code to revise and expand the dates and times during which the Safety Enhancement Zone applies to St. Patrick's Day and Halloween."

DISCUSSION

REPORT IN BRIEF

The proposed ordinance aims to amend Section 9.22.040 of the City of San Luis Obispo Municipal Code, expanding Safety Enhancement Zones to include additional city-wide safety periods surrounding St. Patrick's Day and Halloween.

The Safety Enhancement Zone Ordinance, enacted in 2004, designates the entire city as a safety zone during specified times, leading to higher fines for related code violations. The current amendment seeks to include specific days before and after St. Patrick's Day and Halloween.

The expansion is prompted by the emergence of "St. Fratty's Day," a precursor event to St. Patrick's Day and the growth of Halloween celebrations in the neighborhoods. These events are causing significant disruptions, property damage, misuse of alcohol and notably the roof collapse incident in March 2015. The Police Department now conducts proactive outreach, but challenges persist in predicting and managing the spontaneous nature of these celebrations.

This report includes data on calls for service, noise complaints, citations, and other violations during St. Patrick's Day, "St. Fratty's Day," and Halloween, operational expenses associated, and recommended changes as follows.

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1. **St. Patrick's Day:** Expand the Safety Enhancement Zone to include the two weekends prior to St. Patrick's Day.
2. **Halloween:** Adjust the Safety Enhancement Zone to cover the weekend prior and the weekend following October 31st, regardless of the day Halloween falls on.

The proposed amendments aim to address ongoing challenges associated with these events, enhance public safety, and reduce the impact of disruptive behaviors on the community.

Background

The purpose of this item is to introduce an ordinance to amend Section 9.22.040 to expand the City's Safety Enhancement Zones for additional city-wide safety enhancement to include days after and before both Saint Patrick's Day and Halloween as shown in Attachment A.

In December 2004, the City Council enacted Chapter 9.22 of the San Luis Obispo Municipal Code which created a process to designate the entire City as a safety enhancement zone. Specific dates/times would be established as the zones based upon a finding by the Council that such a designation is necessary to protect the public health, safety, and welfare of the citizens of San Luis Obispo.

Since 2004, Council has adopted and amended several public safety-related Municipal Code codes which have higher fines when a safety enhancement zone is in effect. These ordinances include:

Chapter 9.04 Possession or consumption of alcohol in public
Chapter 9.05 Social Host - minors consuming or possessing alcohol
Chapter 9.12 Noise control
Chapter 9.16 Dangerous and Deadly Weapons
Chapter 9.20 Urinating in Public
Chapter 9.22 Unruly Gathering

Currently, fines for these Municipal Code violations outside of the safety enhancement zone period are \$350 for a first offense, \$700 for a second offense within a 12-month period, and \$1,000 for third or subsequent offenses in a 12-month period. Violations during the safety enhancement period are double with a first offense fine of \$700 and second and subsequent offenses fined at \$1,000 in a 12-month period. A violation under this chapter may be prosecuted either criminally or administratively pursuant to Chapter 1.24, (Administrative Code Enforcement Procedures).

In addition, violations of the Unruly Gathering ordinance are \$700 for a first offense to the individuals found responsible for the gathering or a \$350 first-time fine for those that are in attendance. During the safety enhancement time period, those found responsible for the gathering are fined \$1,000 for the first and subsequent offenses in a 12-month period. Participants found in violation of an unruly gathering are fined \$700 for a first offense and \$1,000 for subsequent offenses in a 12-month period.

The Police Department conducts extensive outreach annually to inform students and residents of all safety enhancement zones. For St. Patrick's Day Safety Enhancement Zone ordinance, the communication plan, using the "Avoid Party Regret" theme, has included neighborhood outreach through the Student Community Liaison Committee, direct outreach to residents, paid social media ads, organic social media posts, and flyers/posters distributed to both Cal Poly and Cuesta College. In-person outreach is provided to student groups at Cal Poly Fraternity and Sorority Life (FSL) and various individual FSL organizations if invitations are extended. Cal Poly assists with video screen ads in the UU, poster distribution on campus, and an e-blast from Student Affairs. Cuesta College provides an e-blast to students of the safety enhancement zone information. The Police Department provides safety enhancement informational posters to Downtown SLO who assist with distribution to the downtown alcohol outlets (and Downtown SLO bar owners help provide the funding for portable toilets to be stationed at various locations throughout downtown.)

Safety Enhancement Zone History

The Safety Enhancement Zone Ordinance had previously been adopted in December of 2004 for the February Mardi Gras time period due to the impact of the nuisance behaviors and civil unrest associated with this event. Implementation of the ordinance, along with increased enforcement, was found to be a successful outreach and enforcement tool. Within a short period of time, the problems typically associated with the Mardi Gras festivities largely stopped.

Over time, other key dates were identified as periods of nuisance partying and adverse behaviors that impacted the health and safety of residents and neighborhoods. In May 2010, the Council approved the use of a safety enhancement zone for Halloween and St. Patrick's Day. In August 2013, the Council approved the use of a safety enhancement zone for the start of the Cal Poly school year. Designating safety enhancement zone periods, coupled with outreach, education, and enforcement, has shown to be an effective deterrent to address behaviors associated with alcohol, noise, and other neighborhood wellness concerns.

St. Patrick's Day and "St. Fratty's" Celebrations

Currently, the safety enhancement zone for St. Patrick's Day is 12:01 a.m. the morning of March 17th to 7:00 am the morning of March 18th. St. Patrick's Day is a heavily impacted occasion that requires additional police resources and outreach in order to manage adverse party behavior and alcohol violations occurring both in the downtown and neighborhood areas.

In order to avoid the specific day of March 17th and associated increased fines, since 2014, organized and private efforts have been made to plan and private individuals and groups encourage participation in similar party-related activities outside of this one-day safety enhancement time period. This event, typically a pre-cursor to St. Patrick's Day, is referred to as "St. Fratty's Day".

Over several years St. Fratty's Day has been organized and celebrated in our community. Traditionally, the event has occurred in the early hours of a weekend day in the month of March, prior to St. Patrick's Day. Knowledge of the date and time are not readily known to law enforcement and the general community, and it is difficult to predict the exact timing to have appropriate resources available to deal with noise complaints, alcohol violations, and other adverse behaviors.

The celebration has drawn thousands of participants who converge into the residential areas on the north side of town near the perimeter of the Cal Poly campus, often drawn to the house parties that are planned and organized by the fraternities of Cal Poly. Much of the hype around this event has been coordinated by word of mouth or social media outlets. Although some of the organizations attempt to offer controlled or private parties, the nature of the atmosphere causes individuals to participate in mass and roam the impacted neighborhoods.

Roof Collapse in 2015

St. Fratty's Day has had a history of occurring in the 300 block of Hathaway (and the surrounding area) including a residence referred to as the "Pink House". In the early morning hours of March 7, 2015, thousands of college-age participants converged on this residential area. Several dozen students climbed onto the top of a nearby garage roof and the weight of the numerous bodies caused the garage to collapse¹. This was declared a mass-casualty incident (MCI) by the first arriving Fire Department personnel. Fire crews encountered a total of eight patients, one with serious injuries after becoming impaled on a broken piece of lumber and seven with non-life-threatening injuries. Initial patient access was delayed, as responding units encountered heavy foot traffic and crowds in the area.

This event brought a great deal of attention to the university and community. The police department was not prepared with staffing to safely manage the magnitude of the event. There was a need to request mutual aid assistance from outlying police agencies including Cal Poly Police, the California Highway Patrol, and the SLO County Sheriff's Department. The incident prompted a criminal investigation by the Police Department; however, no charges were filed. Additionally, an investigation was completed by the Cal Poly Student Affairs Office where one of the conclusions of their investigative report stated, "Students attempting to hold an annual event outside the 'period of increased fines' for city code violations are contributing to a lack of preparedness and early response."

Although St. Fratty's Day began occurring in our community in 2014, the unpredictable situation involving the roof collapse in 2015 was very concerning and prompted the Police Department to evaluate staffing and put measures in place to discourage future unacceptable behavior. In working with Cal Poly, the police department embarked on a media campaign to educate the student-age residents on being responsible neighbors and taking ownership in the community in which they live. The City adopted standards under [17.76.090](#) restricting rooftop uses.

¹ Rooftops are generally not designed to handle any live load and hence why the City adopted section 17.76.090 in 2018.

St. Patrick's and St. Fratty's Day preparation

In advance of St. Patrick's Day and St. Fratty's Day, the police department now conducts focused and intentional outreach prior to the month of March and the first two weeks of March. Outreach includes social and print media and directing officers to visit residences that historically have been problem locations. Specific outreach is directed to the Fraternity and Sorority Life (FSL) organizations that are known to organize St. Fratty's Day parties. This early intervention is necessary to establish reasonable expectations, educate potential participants of neighborhood responsibilities, and advise students of enforcement outcomes for non-compliance.

Determining the exact date of "St. Fratty's" is challenging as the event tends to be "spontaneous" requiring the department to do some investigations to determine the exact date, time, and location (s). Even with specific insight gathered, there always remain conflicting reports causing the department to speculate on the exact nature of what may occur and how to prepare and plan resources

In order to be responsive to the residents and the safety of the students involved, the department fully deploys all officers and dispatchers to be prepared for increased activity. This preparedness by the department involves using overtime and incurring unbudgeted expenses dedicated to this possible range of intensities to mitigate disturbances and dangers to the community.

Since the inception of St. Fratty's Day, the impacts of the crowd's negative behaviors on the neighborhoods have steadily increased year to year. Last year the crowds were estimated to be approximately 3,000 to 4,000 people. Although the planning and preparation for St. Fratty's Day was successful, an environment persists in the surrounding neighborhoods adjacent to Cal Poly that encourages people to plan parties and circulate in mass in the neighborhoods. Violations of the law continue to occur, and other neighborhood wellness concerns, particularly crowd size, noise, and property safety, are constant. There are numerous noise violations, excessive alcohol consumption, and persons engaged in other adverse behaviors requiring the Police Department to overstaff officers and dispatchers in order to safely police this event.

The following is data from the last two years for St. Patrick's Day as well as St. Fratty's Day.

St. Patrick's Day SEZ – midnight 3/17 to 7am 3/18

	Calls for service	Noise calls	Noise citations	Noise Warnings	Open container	Public urination	Unruly gathering	DUI	MIP	Drunk in public
2019	96	6	3	2	0	0	0	2	0	8
2020	84	7	1	0	0	0	0	0	0	0
2021	131	4	2	0	0	0	0	3	0	1
2022	131	5	0	0	1	1	0	0	0	3
2023	169	31	11	3	0	14	0	3	3	4

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St. Fratty's Day

	Calls for service	Noise calls	Noise citations	Noise Warnings	Open container	Public urination	Unruly gathering	DUI	MIP	Drunk in public
3.16.2019	101	13	3	7	10	3	0	2	0	2
3.14.2020	110	27	12	5	5	1	0	0	0	4
3.13.2021	160	31	5	2	0	0	0	3	0	5
3.12.2022	185	33	15	4	5	1	6	3	0	7
3.18.2023	115	41	20	0	26	1	2	1	1	3

In 2023, the police department tracked operational expenses (personnel and outreach materials) to manage St. Fratty's and the amount was estimated at \$38,000.

Halloween

The City and the Police Department are seeing issues arise surrounding the Halloween holiday similar to St. Patrick's Day. Currently, the safety enhancement zone for Halloween is as follows: if Halloween falls on a Monday, Tuesday, or Wednesday, the zone only covers Halloween on October 31st at 12:01 a.m. in the morning to 7:00 a.m. on November 1st. If Halloween falls on a Thursday, Friday, Saturday, or Sunday, the zone extends from 12:01 a.m. on Thursday and concludes at 7:00 a.m. on the following Monday.

In the past two years, as Halloween has fallen on Monday (2022) and Tuesday (2023), the party-related activities associated with Halloween fall outside of the one-day safety enhancement time period. Activities generally happen the weekend prior to Halloween starting at Farmers' Market on Thursday and extend through Friday and Saturday nights. This extended activity around Halloween requires the Police Department to have a maximum deployment of officers for the entire weekend.

Halloween Preparation

In advance of Halloween, the police department conducts focused and intentional outreach in early October. Outreach includes paid social media ads, organic social media posts, posters, presentations to the Inter-fraternal Council, United Sororities and Fraternity Council, Panhellenic Council, Student Community Liaison Committee, the Downtown Beautification Committee, and e-blasts to property managers and large housing complexes in the city. The information includes the violations subject to increased fiscal penalties, party registration and reminders to not drink and drive and call for help if help is needed.

The following is data from the last two years for Halloween as well as Pre-Halloween weekend.

Halloween SEZ – midnight 10/31 to 7am 11/1

	Calls for service	Noise calls	Noise citations	Noise Warnings	Open container	Public urination	Unruly gathering	DUI	MIP	Drunk in public
2022	120	1	0	0	1	0	0	1	0	4
2023	113	3	1	1	0	1	0	1	0	2

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Pre-Halloween weekend

	Calls for service	Noise calls	Noise citations	Noise Warnings	Open container	Public urination	Unruly gathering	DUI	MIP	Drunk in public
10.27-30.2022	507	43	3	15	20	1	0	1	3	5
10.26-28.2023	429	109	15	29	16	9	2	4	0	2

The following is data for 2019, 2020 and 2021. The safety enhancement zone for 2020 and 2021 encompassed four days surrounding Halloween including October 31st. The celebrations for Halloween did not occur outside of these dates. It should be noted that 2020 and 2021 were also under pandemic restrictions.

	Calls for service	Noise calls	Noise citations	Noise Warnings	Open container	Public urination	Unruly gathering	DUI	MIP	Drunk in public
10.31-11.4.2019	427	53	5	17	11	0	0	1	0	12
10.29-11.2.2020	465	32	9	0	2	3	0	4	0	6
10.28-11.1.2021	594	25	3	9	2	1	0	3	1	7

In 2023 the police department tracked operational expenses (personnel and outreach materials) to manage Halloween and the amount was estimated at \$28,000.

Recommended period of time for St. Patrick's Day safety enhancement changes

In an effort to reduce the impact of St. Fratty's Day, the following is proposed: along with the current St. Patrick's Day SEZ that begins at 12:01 a.m. on 3/17 until 7:00 a.m. on 3/18 it is put forward to include the two weekends prior to St. Patrick's Day, beginning at 12:01 a.m. on Friday and end on 7:00 a.m. Monday morning. Should St. Patrick's Day fall on a Friday, Saturday, or Sunday the safety enhancement period would begin at 12:01 am on Friday and end at 7:00 am on Monday. The reason for this is as mentioned above St. Fratty's Day is a moving target and historically happens the weekends before the St. Patrick's Day holiday.

Recommended period of time for Halloween safety enhancement changes

In an effort to reduce the impact of Halloween, the following is proposed: if Halloween falls on a Thursday, Friday, Saturday, or Sunday, the safety enhancement zone period will be effective at 12:01 a.m. on the Thursday falling on or preceding October 31st until 7:00 a.m. on the Monday following October 31st and to include the weekend prior from 12:01 a.m. Friday until 7:00 a.m. Monday morning. If Halloween falls on a Monday, Tuesday, or Wednesday, the SEZ will include the previous Thursday at 12:01 a.m. through Monday at 7:00 a.m. and 12:01 am Oct. 31st to 7 am on Nov. 1st.

Public Engagement

The Police Department has coordinated several outreach opportunities with stakeholders to present the proposed changes to the Safety Enhancement Zone during the months of November and December. Meetings have included the Student Community Liaison Committee, Cal Poly Associated Students Incorporated External Affairs, United Sorority and Fraternity Life (cultural organizations), Panhellenic Council (sororities), Inter-Fraternal Council (fraternities), Residents for Quality Neighborhoods, and Downtown SLO. Feedback captured from this outreach is attached to this report. (Attachment C).

ENVIRONMENTAL REVIEW

Amendment of the City's Safety Enhancement Zone is not a project under the California Environmental Quality Act (CEQA), and enforcement actions are categorically exempt pursuant to CEQA Guidelines section 15321(b).

FISCAL IMPACT

Budgeted: No

Budget Year: 2024-25

Funding Identified: N/A

Fiscal Analysis:

Funding Sources	Total Budget Available	Current Funding Request	Remaining Balance	Annual Ongoing Cost
General Fund	0	0	0	0
State				
Federal				
Fees				
Other:				
Total	\$0	\$0	\$0	\$0

In general, revenue resulting from violations does not correlate to the cost of providing law enforcement services nor can the City create a method by which the revenue from fines pay for specific services.

Additional enforcement resources are not being requested to support the additional safety enhancement period. The proposed ordinance expands the time period for existing safety enhancement zone designations. It is unknown the amount of revenue that may be generated from safety enhancement zone violations since it is not yet known to what extent violations will increase or decrease. However, changes that result in increased fines are not likely to generate significant revenue to offset the existing enforcement costs. Staffing costs (for overtime deployment) for this time period would be consistent with the costs during the 2023 St. Patrick's/ Fratty's Day and Halloween deployments. Those overtime costs were estimated to be up to \$38,000 for each holiday.

ALTERNATIVES

Do not amend the ordinance. Staff does not recommend this alternative as safety enhancement has proven to be an effective deterrent to address negative behaviors when coupled with enforcement.

ATTACHMENTS

- A - Draft Ordinance adopting Safety Enhancement Zone Amendment
- B - Chapter 9.22 Safety Enhancement Zones Municipal Code
- C - Stakeholder Feedback on Safety Enhancement Zone Amendment
- D - Safety Enhancement Zone Amendment Presentation