



CITY OF CONCORD

REPORT TO THE MAYOR AND CITY COUNCIL

FROM: Councilor Amanda Grady, Chair, Public Safety Board

DATE: March 28, 2016

SUBJECT: Report from the Public Safety Board on a Referral from the City Council to consider the City's permitting process for events on private residential property.

Recommendation

Accept this report from the Public Safety Board.

Background/Discussion

On November 9, 2015, the City Council referred an inquiry to the Public Safety Board ("Board") relative to the permitting process for social gatherings and other events on private residential property. The referral was in response to a multi-day private gathering which took place on private residential property in a residential neighborhood.

On December 7, 2015, the Board held a meeting and heard testimony from two persons who reside in the neighborhood where the multi-day event took place. The testimony expressed concern as to the length of the event, the associated noise, parking and other related issues. The Board also heard testimony from City Staff from the Code Enforcement Office regarding the permitting process and the permit which was provided to the private residence in this case. Following the testimony, the Board discussed whether the permitting process for private gatherings on private residential property should be improved, and unanimously referred the matter to the City Administration for guidance.

On March 28, 2016, the Board held a meeting and heard testimony from the City Solicitor, the Deputy City Manager for Community Development and the Police Chief. The City Solicitor advised that, in consideration of the First amendment of the United States Constitution, protecting the freedom of speech, association and religion, going forward it was in the City's best interest not to regulate private events and/or assemblies on private residential property, where no commercial activity is involved. This means that the City would not regulate and/or issue permits for events such as family gatherings, religious observances, birthday parties, graduation parties, wedding receptions, etc. on private residential property. Instead, such

gatherings on private residential property are lawful without the issuance of a permit. To the extent that there are complaints concerning such private and non-commercial gatherings on private residential property, the City Solicitor recommended that the City utilize existing laws and ordinances to respond, investigate, and if necessary, prosecute said complaints. The Deputy City Manager for Community Development and the Police Chief agreed with the City Solicitor's advice.

Following the testimony and discussion amongst the Board, the Board unanimously voted to adopt the recommendation that the City not be involved with regulating events and/or assemblies on private residential property, where no commercial activity is involved.