## ORDINANCE NO. 2010-22

## AN ORDINANCE OF THE CITY OF SANTA CRUZ ADDING SECTION 9.37.065 TO THE SANTA CRUZ MUNICIPAL CODE PERTAINING TO LOUD AND UNRULY GATHERINGS

BE IT ORDAINED By The City Of Santa Cruz As Follows:

<u>Section 1</u>: Section 9.37.065 is hereby added to the Santa Cruz Municipal Code to read as follows:

Section 9.37.065. PRIVATE RIGHT OF ABATEMENT.

- (a) Pursuant to California Civil Code Sections 3493 and 3495, a private person for whom premises at which loud or unruly gatherings as herein defined have been conducted, are specially injurious, may file a civil nuisance abatement action to remedy the nuisance conditions on those premises.
- (b) In any nuisance abatement action brought under subsection (a), the prevailing party shall be entitled to recover the amount of its reasonable attorney fees incurred in prosecuting or defending said nuisance abatement action. This subsection is enacted by the City pursuant to authority conferred upon it by Article XI, Section 5 of the California Constitution and Government Code Section 38773.5.

<u>Section 2</u>: This ordinance shall take effect and be in force thirty (30) days after its final adoption.

PASSED FOR PUBLICATION this 26th day of October, 2010, by the Santa Cruz City Council. AYES: Councilmembers Lane, Mathews, Beiers, Robinson, Vice Mayor Coonerty; Mayor Rotkin. NOES: None. ABSENT: Councilmember Madrigal. DISQUALIFIED: None. APPROVED: ss/Mike Rotkin, Mayor. ATTEST: ss/Lorrie Brewer, City Clerk. This Ordinance is scheduled for further consideration at the Council meeting of November 9, 2010.