

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LONG BEACH AMENDING THE LONG BEACH MUNICIPAL CODE BY ADDING CHAPTER 9.61, RELATING TO SOCIAL HOST REGULATIONS

WHEREAS, according to a survey of youth of different ethnicities in Long Beach conducted by the Cambodian Association of America (CAA) in 2012, 71.9% of youth between the ages of 12-17 reported that they drank alcohol at least once in the previous 30 days. 49.1% of youth 12-17 thought it was somewhat or very easy for underage drinkers to get alcohol; and

WHEREAS, when asked "how do most young people get alcohol", 60% of the respondents indicated at parties and 33.8% said from adults at friends' homes; and

WHEREAS, underage drinking is also a factor in drunk driving, as 100% of youth between the ages of 14-17 surveyed by the CAA reported that they had ridden in a car where the driver had been drinking and the American Medical Association reports that underage drinking is a factor in nearly half of all teen automobile crashes, which is the leading cause of death among teenagers.

NOW, THEREFORE, the City Council of the City of Long Beach ordains as follows:

Section 1. Chapter 9.61 is added to the Long Beach Municipal Code to read as follows:

SOCIAL HOST REGULATIONS

9.61.010 Purpose and intent.

A. The purpose and intent of this Chapter are:

1. To facilitate the enforcement of laws prohibiting the

OFFICE OF THE CITY ATTORNEY
CHARLES PARKIN, City Attorney
333 West Ocean Boulevard, 11th Floor
Long Beach, CA 90802-4664

1 service to and consumption of alcoholic beverages by minors as well as to
2 deter the service to and consumption of alcoholic beverages by minors, and
3 to promote the reduction of underage drinking;

4 2. To protect public health, safety, general welfare and
5 quiet enjoyment of property and properties neighboring the location of
6 gatherings at which minors are served and consume alcoholic beverages;

7 3. To establish a duty of persons twenty-one (21) years of
8 age or older having control over any premises, who knowingly hosts,
9 permits or allows a gathering at the premises, to take reasonable steps to
10 prevent the service and consumption of alcoholic beverages by minors;

11 4. To provide opportunities for education and behavior
12 modification to first-time offenders violating this Chapter;

13 5. To provide recovery of law enforcement and/or fire
14 response costs.

15
16 9.61.020 Definitions.

17 For purposes of this Chapter, the following terms shall have the following
18 meanings:

19 A. "Adult" shall mean a person who is twenty-one (21) years of
20 age or older.

21 B. "Alcohol" shall mean ethyl alcohol, hydrated oxide of ethyl, or
22 spirits of wine, from whatever source or by whatever process produced.

23 C. "Alcoholic Beverage" includes alcohol, spirits, liquor, wine,
24 beer, and every liquid or solid containing alcohol, spirits, wine, or beer, and
25 which contains one-half (1/2) of one percent (1%) or more of alcohol by
26 volume and which is fit for beverage purposes either alone or when diluted,
27 mixed, or combined with other substances.

28 D. "Control" shall mean any form of dominion including

1 ownership, tenancy or other possessory right.

2 E. "Gathering" shall mean a party, gathering, or event where a
3 group of two (2) or more persons have assembled or are assembling for a
4 social occasion or social activity.

5 F. "Legal Guardian" shall mean:

6 1. A person who, by court order, is the guardian of the
7 person of a minor, or

8 2. A public or private agency with whom a minor has been
9 placed by a court of competent jurisdiction.

10 G. "Minor" shall mean any person less than twenty-one (21)
11 years of age.

12 H. "Parent" means a person who is a natural parent, adoptive
13 parent, foster parent, or stepparent of another person.

14 I. "Enforcement Services" shall mean the salaries and benefits
15 of police officers or other code enforcement officers for the amount of time
16 actually spent in responding to or in remaining at the residence or premises
17 and the administrative costs attributable to the incident, the actual cost of
18 any medical treatment to injured police officers or other code enforcement
19 officers as a result of injuries suffered in responding to or in remaining at
20 the residence or premises, the cost arising from the use of any City
21 equipment in responding to or remaining at the residence or premises, and
22 the cost of repairing any damaged City equipment or property used in
23 responding to or in remaining at the residence or premises.

24 J. "Residence" or "Premises" shall mean a house, yard,
25 apartment, condominium, or other dwelling unit, a hotel or motel room, or a
26 hall or meeting room, whether occupied on a temporary or permanent
27 basis, whether occupied as a dwelling or for living space or for a party,
28 meeting, or other social function or gathering, and whether owned, leased

1 rented, or used with or without compensation.

2
3 9.61.030 Prohibition on hosting, permitting or allowing a gathering at which
4 minors consume alcoholic beverages.

5 It is unlawful for any adult to host, permit or allow a gathering to take place
6 at the premises where one (1) or more minors consumes an alcoholic beverage,
7 whenever such adult either:

8 A. Intentionally serves or causes to be served an alcoholic
9 beverage to a minor for consumption; or

10 B. Knows or reasonably should have known that a minor
11 possesses or has consumed an alcoholic beverage and thereafter fails to
12 immediately take appropriate action to prevent further possession or
13 consumption of alcoholic beverages by any minor.

14 C. This section shall not apply to any location or place regulated
15 by the California Department of Alcohol and Beverage Control.

16 D. The provisions of this Chapter shall not apply to legally
17 protected religious ceremonies.

18 E. Law enforcement officers shall have the discretion of writing
19 violators a warning prior to an official citation.

20
21 9.61.040 Recovery of response costs.

22 When a law enforcement, fire, or other emergency response provider
23 responds to a gathering at a premises at which there is service to, or consumption of
24 alcohol or alcoholic beverages by a minor(s), all responsible persons shall be jointly and
25 severally liable for the City's costs of responding to the gathering.

26
27 9.61.050 Penalty for violations.

28 A. Any violation of this Chapter shall be subject to enforcement

1 in accordance with the administrative citation and penalties of Chapter 9.65.

2 B. Any violation of this Chapter shall be subject to prosecution as
3 a misdemeanor or infraction by the City Prosecutor's Office in accordance
4 with the provisions of Section 1.32.010.

5
6 9.61.060 Severability.

7 In the event any portion of Chapter 9.61 is deemed to be unenforceable, or
8 is in conflict with applicable law, the remainder of Chapter 9.61 will be enforced and will
9 remain in full force and effect.

10
11 Section 2. The City Clerk shall certify to the passage of this ordinance by
12 the City Council and cause it to be posted in three (3) conspicuous places in the City of
13 Long Beach, and it shall take effect on the thirty-first (31st) day after it is approved by the
14 Mayor.

15 ///

16 ///

17 ///

18

19

20

21

22

23

24

25

26

27

28

OFFICE OF THE CITY ATTORNEY
CHARLES PARKIN, City Attorney
333 West Ocean Boulevard, 11th Floor
Long Beach, CA 90802-4664

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

I hereby certify that the foregoing ordinance was adopted by the City Council of the City of Long Beach at its meeting of _____, 20__, by the following vote:

Ayes: Councilmembers: _____

Noes: Councilmembers: _____

Absent: Councilmembers: _____

City Clerk

Approved: _____
(Date)

Mayor