

ORDINANCE NO. 1573

**AN ORDINANCE OF THE CITY OF LAGUNA BEACH ADDING
CHAPTER 8.05 TO THE LAGUNA BEACH MUNICIPAL CODE
PROHIBITING THE HOSTING, PERMITTING OR ALLOWING OF
GATHERINGS AT WHICH PERSONS UNDER 21 YEARS OF AGE ARE
CONSUMING ALCOHOLIC BEVERAGES**

**THE CITY COUNCIL OF THE CITY OF LAGUNA BEACH DOES
ORDAIN AS FOLLOWS:**

SECTION 1. Chapter 8.05 is hereby added to the Laguna Beach Municipal Code to read in its entirety as follows:

CHAPTER 8.05 SOCIAL HOST REGULATIONS

- 8.05.010 Purpose and intent.
- 8.05.020 Definitions.
- 8.05.030 Prohibition on hosting, permitting or allowing a gathering at which minors consume alcoholic beverages.
- 8.05.040 Exemptions.
- 8.05.050 Penalty for violations.

8.05.010 Purpose and intent.

(a) The purpose and intent of this chapter are:

(1) To facilitate the enforcement of laws prohibiting the service and consumption of alcoholic beverages by minors as well as to deter the service and consumption of alcoholic beverages by minors, and to promote the reduction of underage drinking.

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

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

(4) To provide opportunities for education and behavior modification to first-time offenders violating this chapter.

(b) This chapter shall not be construed as adding any additional authority for any law enforcement officer or government official to either enter private property or subject any property or person to search or seizure that does not otherwise exist independent of the provisions of this chapter.

(c) It is not the intent of this chapter to impose strict liability against a parent or legal guardian whose best intentions and reasonable efforts to prevent the service and consumption of alcoholic beverages by minors at a gathering are circumvented by the actions of any person to obtain alcoholic beverages at the premises or to bring concealed alcoholic beverages to the premises.

8.05.020 Definitions.

For purposes of this chapter, the following terms shall have the following meanings:

“Alcohol” means ethyl alcohol, hydrated oxide of ethyl, or spirits of wine, from whatever source or by whatever process produced.

“Alcoholic beverage” includes alcohol, spirits, liquor, wine, beer, and every liquid or solid containing alcohol, spirits, wine, or beer, and which contains one-half of one percent (0.5%) or more of alcohol by volume and which is fit for beverage purposes either alone or when diluted, mixed, or combined with other substances.

“Gathering” means a party, gathering, or event where a group of two or more persons have assembled or are assembling for a social occasion or social activity.

“Legal guardian” means (1) a person who, by court order, is the guardian of the person of an underage person; or (2) a public or private agency with whom an underage person has been placed by a court of competent jurisdiction.

“Minor” means any person under twenty-one (21) years of age.

“Parent” means a person who is a natural parent, adoptive parent, foster parent, or stepparent of another person.

“Premises” means any residence or other private property, place or premises, including any commercial, business or industrial premises.

8.05.030 Prohibition on hosting, permitting or allowing a gathering at which minors consume alcoholic beverages.

It is unlawful for any person twenty-one (21) years of age or older having control of any premises to knowingly host, permit or allow a gathering to take place at the premises where one or more minors consumes an alcoholic beverage, whenever such person having control of the premises either (a) intentionally serves or causes to be served an alcoholic beverage to a minor for consumption, or (b) knows or reasonably should have known a minor has consumed an alcoholic beverage and thereafter fails to immediately take appropriate action to prevent further consumption of alcoholic beverages by any minor.

8.05.040 Exemptions.

This chapter shall not apply to:

(a) Any California Department of Alcoholic Beverage Control licensee at any premises regulated by the Department of Alcoholic Beverage Control.

(b) Conduct involving the use of alcoholic beverages by a minor that occurs exclusively in the presence and with the permission of the minor's parents or legal guardians, and that does not violate Penal Code section 272, including as permitted by article 1, section 4 of the California Constitution.

(c) A person twenty-one (21) years of age or older who called 911 and reported that a minor was in need of medical attention due to alcohol consumption, was the first person to make the 911 call, and when reporting that a minor was in need of medical assistance, remained on the scene with the minor until that medical assistance arrived and cooperated with medical assistance and law enforcement personnel on the scene.

(d) A person twenty-one (21) years of age or older hosting, permitting or allowing a gathering who requests immediate assistance from the Police Department to remove any person who refuses to abide by the requesting person's performance of duties imposed by this chapter, or to terminate the gathering because of the requesting person's inability to prevent minors from consuming alcoholic beverages despite having taken reasonable steps to do so, as long as such request is made before any other person makes a complaint about the gathering.

8.05.050 Penalty for violations.

A first violation of this chapter shall be subject to enforcement in accordance with the administrative citation provisions of chapter 1.15, including but not limited to the imposition of penalties; provided, however, that a first-time offender shall, at his or her sole expense, attend and satisfactorily complete a class as approved by the Chief of Police, which class shall address current issues associated with alcohol usage and abuse by minors. A first-time offender who refuses or fails to timely attend and satisfactorily complete such an approved class shall be subject to the penalties provided pursuant to chapter 1.15. A second or subsequent violation of this chapter shall constitute a misdemeanor. In addition or as an alternative to such criminal remedies, a second or subsequent violation of this chapter may be subject to enforcement in accordance with the administrative citation provisions of chapter 1.15, including but not limited to the imposition of penalties.

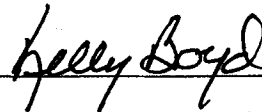
SECTION 2. This Ordinance is exempt from compliance with the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of the State CEQA Guidelines.

SECTION 3. If any portion of this Ordinance, or the application of any such provision to any person or circumstance, shall be held invalid, the remainder of this Ordinance to the extent it can be given effect, of the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby, and to this extent the provisions of this Ordinance are severable.

SECTION 4. This Ordinance is intended to be of City-wide effect and application. All ordinances and provisions of the Laguna Beach Municipal Code and Sections thereof inconsistent with this Ordinance shall be and the same are hereby repealed to the extent of such inconsistency and no further. In the event any portion of this Ordinance, or the application of any such provision to any person or circumstance, shall be held invalid, the remainder of this Ordinance to the extent it can be given effect, or the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby, and to this extent the provisions of this Ordinance are severable.

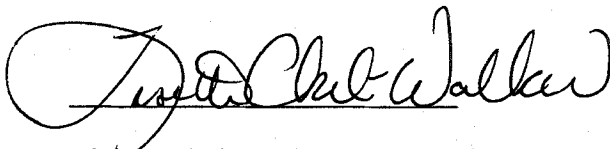
SECTION 5. The City Clerk of the City of Laguna Beach shall certify to the passage and adoption of this Ordinance, and shall cause the same to be published in the manner required by law in the City of Laguna Beach. This Ordinance shall become effective thirty (30) days from and after the date of its adoption by the City Council.

ADOPTED this 4th day of December, 2012.



Kelly Boyd, Mayor

ATTEST:



Lisette Chel-Walker, City Clerk

I, Lisette Chel-Walker, City Clerk of the City of Laguna Beach, do hereby certify that the foregoing Ordinance No. 1573 was introduced at a regular meeting of the City Council on November 13, 2012, and was finally adopted at a regular meeting of the City Council of said City held on December 4, 2012 by the following vote:

AYES: COUNCILMEMBER(S): Whalen, Iseman, Pearson

NOES: COUNCILMEMBER(S): Dicterow, Boyd

ABSENT: COUNCILMEMBER(S):

A handwritten signature in cursive script that reads "Lisette Chel-Walker". The signature is written in black ink and is positioned above a horizontal line.

City Clerk of the City of Laguna Beach, CA

