



# MEMORANDUM

Agenda Item #: \_\_\_\_\_

Meeting Date: March 28, 2017

**TO: HONORABLE MAYOR AND CITY COUNCIL MEMBERS**

**THRU: ANTON DAHLERBRUCH, CITY MANAGER /s/**

**FROM: JEFF KEPLEY, POLICE CHIEF /s/**

**SUBJECT: ADOPTION/SECOND READING OF ORDINANCE 17-721 AN  
ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PALOS  
VERDES ESTATES ADDING CHAPTER 9.18 (SOCIAL HOST  
LIABILITY FOR PARTIES AT WHICH UNDERAGE DRINKING  
OCCURS) TO TITLE 9 OF THE PALOS VERDES ESTATES  
MUNICIPAL CODE**

**DATE: MARCH 28, 2017**

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## **The Issue**

Shall the City Council adopt on second reading, Ordinance No. 17-721, an ordinance of the City Council of the City of Palos Verdes Estates, California, adding Chapter 9.18 (Social Host Liability for Parties at which Underage Drinking Occurs) to Title 9 (Public Peace, Morals)?

## **Background and Analysis**

Ordinance 17-721 was introduced upon first reading by the City Attorney at the Regular Meeting of the City Council on Tuesday, March 14, 2017, as revised.

Furthermore, on March 15, 2017, public notice was given regarding Resolution 17-13 setting forth the administrative fines for violations of Ordinance 17-721.

The Ordinance and associated Resolution are now presented to the City Council for adoption.

## **Notification**

This item is listed on the City Council agenda and noticed in the manner consistent with City policy and practice.

**Recommendation**

It is recommended that the City Council adopt on second reading Ordinance 17-721 adding Palos Verdes Estates Municipal Code Chapter 9.18 Social Host Liability to Title 9 Public Peace, Morals, and Welfare; and, adopt Resolution 17-13 amending the fine schedule for administrative citations.

**ATTACHMENTS:**

A: Draft Ordinance No. 17-721

B: March 14, 2017 Staff Report (provided herein as a weblink)

[http://pvestates.granicus.com/MetaViewer.php?view\\_id=1&clip\\_id=927&meta\\_id=37819](http://pvestates.granicus.com/MetaViewer.php?view_id=1&clip_id=927&meta_id=37819)

**ORDINANCE NO. 17-721**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PALOS VERDES ESTATES ADDING A NEW CHAPTER 9.18 (SOCIAL HOST LIABILITY FOR PARTIES AT WHICH UNDERAGE DRINKING OCCURS) OF TITLE 9 OF THE CITY'S MUNICIPAL CODE TO IMPOSE LIABILITY ON ADULTS FOR PROVIDING ALCOHOL TO UNDERAGE PERSONS OR FACILITATING THE CONSUMPTION OF ALCOHOLIC BEVERAGES BY MINORS AT PARTIES AND GATHERINGS HELD AT PRIVATE RESIDENCES**

The City Council of the City of Palos Verdes Estates does hereby ordain as follows:

**Section 1.** A new Chapter 9.18 (Social Host Liability for Parties at which Underage Drinking Occurs) of Title 9 (Public Peace, Morals, and Welfare) is hereby added to the Palos Verdes Estates Municipal Code to read as follows:

**Chapter 9.18  
Social Host Liability for Parties at which Underage Drinking Occurs**

<b>Sections</b>	
<b>9.18.010</b>	<b>Purpose and Intent</b>
<b>9.18.020</b>	<b>Definitions</b>
<b>9.18.030</b>	<b>Social host liability for parties at which underage drinking occurs</b>
<b>9.18.040</b>	<b>Exceptions</b>
<b>9.18.050</b>	<b>Notice to responsible person</b>
<b>9.18.060</b>	<b>Penalties</b>

**9.18.010. Purpose and intent.**

The City Council finds and determines that minors may obtain alcoholic beverages at parties held at private premises. The purposes of this chapter are as follows:

- A. Protect the public health, safety and general welfare;
- B. Discourage and decrease underage drinking by imposing a civil fine on persons responsible for gatherings where alcohol is consumed by or served to underage persons; and
- C. Facilitate the enforcement of laws prohibiting the service to and consumption of alcoholic beverages by underage persons.

**9.18.020. Definitions.**

For the purposes of this chapter, the following definitions shall apply:

- A. "Alcoholic beverage" means and includes alcohol, spirits, liquor, wine, beer and every liquid or solid containing alcohol, spirits, wine or beer, and which contains one-half (1/2) of one percent (1%) or more of alcohol by volume and which is fit for beverage purposes either alone or when diluted, mixed or combined with other substances.
- B. "Residence or other private property" shall mean a home, yard, apartment, condominium, hotel or motel room, or other dwelling unit, or a hall or meeting room, whether occupied on a temporary or permanent basis, whether occupied as a dwelling, party or other social function venue, and whether owned, leased, rented or used with or without compensation.
- C. "Responsible person" includes the following persons, whether or not present at a gathering in violation of this chapter:
  - 1. A person or persons with a right of possession of the residence or other private property at which a gathering is conducted;
  - 2. Each person who has an ownership interest in the premises. In the event the property is rented, the landlord shall qualify as a Responsible Person where the landlord has received notice of a prior gathering at the same premises;
  - 3. Each person who, although not an owner, nevertheless occupies or has a legal right or legal obligation to exercise possession or control over the premises
  - 4. Any person who organizes, supervises, officiates, conducts or controls the gathering or any other person(s) accepting responsibility for such a gathering; or
  - 5. The parent or legal guardian of an underage person, where the underage person is the host of a gathering in violation of this chapter.
- D. "Underage person" is any person under the age of twenty-one (21).

**9.18.030. Social host liability for parties at which underage drinking occurs.**

It shall be a violation of this chapter, and a public nuisance constituting an immediate threat to public health and safety warranting summary abatement, for any responsible person to conduct or allow in a residence or other private property any party, gathering or event at which an underage person consumes alcoholic beverages, where the responsible party knows or reasonably should know that an underage person has obtained or may consume an alcoholic beverage. Prior knowledge of the gathering is not pre-requisite to a finding that any specific individual is a responsible person as defined by this section. In the event the responsible person is an underage person, then the underage person, and his / her parents or legal guardian, shall be jointly and severally liable for any penalties incurred pursuant to this chapter.

**9.18.040. Exceptions**

- A. This chapter shall not apply to possession or consumption of an alcoholic beverage under the supervision of a parent or guardian in connection with a cultural or religious activity.

- B. The penalties provided by this chapter shall not apply to any responsible person who seeks medical attention for an underage person who is or appears to be under the influence of alcohol.
- C. The penalties provided by this chapter shall not apply when an attendee at a gathering where underage drinking occurs is the individual who reports to law enforcement the underage drinking.

**9.18.050. Notice to responsible person.**

When a law enforcement officer makes an initial response to a party, gathering or event at which underage consumption of alcoholic beverages occurs, the officer shall provide a written notice to all identified responsible persons at the time of the initial response. This notice shall include the following information:

1. The official has determined that a party, gathering or event at which underage consumption of alcoholic beverages exists;
2. The responsible person(s) will be fined for a violation of this chapter;
3. If the condition is not abated and an additional response is required of law enforcement or emergency service providers, such as emergency personnel or fire, to abate the nuisance, the responsible persons(s) will be billed for any response costs incurred, pursuant to Chapter 3.32; and
4. The responsible person(s) are entitled to request a hearing to appeal the fine and response costs pursuant to the procedures set forth in Chapter 1.50 for appealing administrative citations.

**9.18.060. Penalties.**

- A. The city council shall establish a schedule of administrative fines for violation of this chapter.
- B. In addition to the administrative fines described in this chapter, the responding law enforcement officer may issue an order requiring the gathering to be disbanded, and may cite and/or arrest any law violators under any other applicable ordinances and state statutes.

**Section 2. Severability.** If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this ordinance or its application to any person or circumstance, is for any reason held to be invalid or unenforceable by a court of competent jurisdiction, such invalidity or unenforceability shall not affect the validity or enforceability of the remaining sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases of this ordinance, or its application to any other person or circumstance. The City Council declares that it would have adopted each section, subsection, subdivision, paragraph, sentence, clause, phrase hereof, irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases hereof be declared invalid or unenforceable.

**Section 3.** Certification and Posting. The City Clerk shall cause this Ordinance to be posted in three (3) public places in the City within fifteen (15) days after its passage, in accordance with the provisions of Section 36933 of the Government Code. The City Clerk shall further certify to the adoption and posting of this Ordinance, and shall cause this Ordinance and its certification, together with proof of posting, to be entered in the Book of Ordinances of the Council of this City.

PASSED, APPROVED AND ADOPTED this \_\_\_<sup>th</sup> day of March 2017.

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Jennifer L. King, Mayor

ATTEST:

\_\_\_\_\_  
Vickie Kroneberger, City Clerk

STATE OF CALIFORNIA )  
COUNTY OF LOS ANGELES ) ss  
CITY OF PALOS VERDES ESTATES )

I, VICKIE KRONEBERGER, City Clerk of the City of Palos Verdes Estates, do hereby certify that the whole number of members of the City Council of said City is five; that the foregoing Ordinance No. \_\_\_ passed first reading on March 14, 2017, was duly and regularly adopted by the City Council of said City at a regular meeting thereof held on \_\_\_\_\_, 2017, and that the same was passed and adopted by the following roll call vote:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

\_\_\_\_\_  
CITY CLERK