

**Chapter 9.32**

**Consumption of Alcohol or Controlled Substances by Minors at Parties,  
Gatherings or Events**

**Sections:**

- 9.32.010 Purpose and Intent**
- 9.32.020 Definitions**
- 9.32.030 Prohibition**
- 9.32.040 Penalties**
- 9.32.050 Reservation of Legal Options**

**Section 9.32.010 Purpose and Intent**

The City Council finds and determines that minors often consume alcoholic beverages or use controlled substances at parties, gatherings or events held at private residences or at rented residential and commercial premises that are under the control of a person who knows or should know of the illegal conduct and fails to stop it. The City Council further finds and determines that persons are more likely to properly supervise or stop the unlawful consumption of alcohol or controlled substances by minors at such parties, gatherings or events on property under their control if they are held responsible for abetting or tolerating such conduct. It is the purpose of this Chapter to impose criminal liability on persons who control the property on which such parties, gatherings or events occur and who fail to properly supervise or stop minors from unlawfully consuming alcohol or controlled substances.

(Ord. No. 2003-26, Added, 10/28/2003)

**Section 9.32.020 Definitions**

The words and phrases used in this Chapter have the meanings set forth in this Section.

“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 contains one-half of one percent or more of alcohol by volume and which is fit for beverage purposes either alone or when diluted, mixed, or combined with other substances.

“Control” shall mean any form of dominion including ownership, tenancy, or other possessory right.

“Controlled substances” shall include all narcotics or drugs, the possession of which is illegal under the laws of the State of California as defined under the Penal Code, Health and Safety Code and related statutes.

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

“Party, gathering, or event” means a group of persons who have assembled or are assembling for a social occasion or social activity.

“Person(s) responsible for the event” includes, but is not limited to: (1) The person(s) who owns, rents, leases, or otherwise has control of the premises where the party, gathering or event takes place; (2) the person(s) in charge of the premises; or (3) the person(s) who organized the event.

(Ord. No. 2003-26, Added, 10/28/2003)

### **Section 9.32.030 Prohibition**

Except as permitted by Article 1, Section 4, of the California Constitution, no person shall permit, allow, or host a party, gathering or event at his or her place of residence or other private property, place or premises under his or her control where three (3) or more persons are present and where he or she knows or should reasonably know alcoholic beverages and or controlled substances are being unlawfully consumed by any minor.

(Ord. No. 2003-26, Added, 10/28/2003)

### **Section 9.32.040 Penalties**

A. Except as otherwise provided in subsection (b) of this section, any person violating section 9.32.030 is guilty of a misdemeanor, and upon conviction shall be punished by a fine of not more than one thousand dollars (\$1000) and/or imprisonment of not more than six (6) months.

B. Notwithstanding any provision to the contrary, the City Attorney shall have the discretion to reduce to an infraction any act made unlawful pursuant to subsection (a) to this section, or to substitute administrative citation remedies pursuant to Chapter 1.13, if the City Attorney determines such a reduction is warranted in the interest of justice. The factors the City Attorney shall consider in determining whether to reduce the charge to an infraction or substitute administrative remedies shall include, but not be limited to, the following:

1. The number of individuals attending the party, gathering or event.
2. The number of minors attending the party, gathering or event.
3. The source of the alcoholic beverages or controlled substances.

(Ord. No. 2003-26, Added, 10/28/2003)

### **Section 9.32.050 Reservation of Legal Options**

The procedure provided for in this chapter is in addition to any other statute, ordinance or law, civil or criminal. This chapter in no way limits the authority of law enforcement officers or private citizens to make arrests for any criminal offense arising out of conduct regulated by this chapter.

(Ord. No. 2003-26, Amended, 10/28/2003)