ORDINANCE NO. _____

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.

The purpose and intent of this chapter are:

(a) To enforce laws prohibiting the consumption of alcoholic beverages by minors at certain gatherings, and to deter the provision of alcoholic beverages to minors and the consumption of alcoholic beverages by minors.

(b) To protect public health, safety, general welfare, and quiet enjoyment of property and properties neighboring these underage gatherings.

(c) 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.

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.

"Alcohol 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.

(a) It is the duty of any person having control of any premises, who knowingly hosts, permits or allows a gathering at said premises to take all reasonable steps to prevent the consumption of alcoholic beverages by any minor at the gathering. Reasonable steps are controlling access to alcoholic beverages at the gathering; controlling the quantity of alcoholic beverages present at the gathering; verifying the age of persons attending the gathering by inspecting driver’s licenses or other government-issued identification cards to ensure that minors do not consume alcoholic beverages while at the gathering; and supervising the activities of minors at the gathering.

(b) It is unlawful for any person having control of any premises to knowingly host, permit or allow a gathering to take place at said premises where at least one minor consumes an alcoholic beverage, whenever the person having control of the premises either knows a minor has consumed an alcoholic beverage or reasonably should have known that a minor consumed an alcoholic beverage had the person taken all reasonable steps to prevent the consumption of an alcoholic beverage by a minor as set forth in subsection (a) above.

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 that occurs exclusively between an underage person and his or her parent and/or legal guardian, as permitted by article 1, section 4 of the California Constitution .

8.05.050 Penalty for violations.

The penalty for a violation of this chapter shall constitute a misdemeanor punishable by a fine as established by resolution of the City Council with provisions for increasing penalties for the first, second, third and successive violations; provided, however, in the case of a first offense, the violator may attend a class as approved by the Chief of Police in lieu of a fine.

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 ____ day of _____, 2012.

_____

Jane Egly, Mayor

ATTEST:

_____

Martha Anderson, City Clerk

I, Martha Anderson, City Clerk of the City of Laguna Beach, do hereby certify that the foregoing Ordinance No. _____ was introduced at a regular meeting of the City Council on _____, 2012, and was finally adopted at a regular meeting of the City Council of said City held on _____, 2012 by the following vote:

AYES: COUNCILMEMBER(S):

NOES: COUNCILMEMBER(S):

ABSENT: COUNCILMEMBER(S):

_____

City Clerk of the City of Laguna Beach, CA