ORDINANCE NO. 5457

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA BARBARA AMENDING TITLE NINE OF THE SANTA BARBARA MUNICIPAL CODE BY ADDING CHAPTER 9.70 CONCERNING PENALTIES FOR PROPERTY OWNERS OR SOCIAL HOSTS WHO ALLOW MINORS TO CONSUME ALCOHOL IN VIOLATION OF STATE LAW

THE COUNCIL OF THE CITY OF SANTA BARBARA DOES ORDAIN AS FOLLOWS:

SECTION 1. Title 9 of the Santa Barbara Municipal Code is hereby amended by adding Chapter 9.70 which reads as follows:

9.70.010 Definitions.

The following words and phrases, whenever used in this chapter, shall have the meaning and be construed as defined in this section.

A. **PARTY, GATHERING, OR EVENT**. A group of two or more persons who have assembled or are assembling for a social occasion or a social activity.

B. **PERSON**. Includes, but is not limited to:

1. the person who owns, rents, leases, or otherwise has control or is in charge of the premises where the party, gathering, or event takes place, irrespective of whether such person knew of the event or knew or intended that alcohol beverages would be possessed or consumed by minors during the party, gathering, or event;

2. the person who organized the party, gathering, or event; or

3. if the person who organized the party, gathering, or event is a juvenile, then both the parents (or legal guardians) of that juvenile and the juvenile shall be considered "persons" and, as such, shall be jointly and severally liable for the civil penalties imposed pursuant to this chapter, irrespective of whether the parent(s)(or legal

guardians) knew of the party, gathering, or event or knew or intended that alcohol beverages would be possessed or consumed by minors at the party, gathering, or event.

C. **JUVENILE.** Any minor child under the age of 18 years.

D. **MINOR.** Any person under the age of 21 years.

9.70.020 Unlawful Gatherings On Private Real Property When Alcohol Is Served To Minors; Host Presumption; Declaration of Public Nuisance.

A. **Unlawful Gatherings.** No person shall permit, allow, or host a party, gathering, or event at his or her place of residence (or other private real property under his or her ownership or control) where alcoholic beverages are in the possession of, or consumed by, any minor.

B. **Host Presumption.** It is presumed that the owner of the private real property on which the party, gathering, or event occurs is a person who has permitted, allowed, or hosted the party, gathering or event, unless the private real property is rented, in which case it is presumed that the tenant has permitted, allowed, or hosted the party, gathering, or event.

C. **Public Nuisance.** It is hereby declared to be a public nuisance for any person to permit, allow, or host a party, gathering, or event at his or her place of residence (or other private real property under his or her ownership or control) where alcoholic beverages are in the possession of, or are being consumed by, any minor.

9.70.030 Civil Penalty.

A. **Violation.** Any person who permits, allows, or hosts a party, gathering, or event at his or her place of residence (or other private property under his or her control) where alcoholic beverages are in the possession of, or are being consumed by, any minor in violation of this chapter shall be liable and responsible for, and shall pay to the City, civil penalties in the amount specified in subsection (B) hereof. Such civil penalties shall be imposed and collected in the manner specified in Chapter 1.25 of this Code.

B. **Civil Penalties.**

1. A first violation of this Chapter 9.70 shall make the person responsible for the violation liable for a civil penalty of one thousand dollars ($1,000); provided however, the civil penalty for such responsible persons who are first time offenders of this Chapter 9.70 may be waived upon submission of proof of completion, within one hundred twenty (120) days of receipt of notice of the violation, of a City recognized alcohol counseling program, such as teen court or an alcohol rehabilitation or education program, as such programs may be designated in writing by the City Administrator of the City from time to time.

2. A second violation of this Chapter 9.70 by the same responsible person shall make the person responsible for the violation liable for a civil penalty of two thousand dollars ($2,000); provided however, the civil penalty for such responsible persons who are second time offenders of this Chapter 9.70 may be reduced to one thousand dollars ($1,000) upon submission of proof of completion, within one hundred twenty (120) days of receipt of notice of the violation, of a City recognized counseling program, such as teen court or an alcohol rehabilitation or education program, as such

program may be designated in writing by the City Administrator of the City from time to time.

3. A third or subsequent violation of this Chapter 9.70 by the same responsible person shall be punishable by a civil penalty of two thousand dollars ($2,000).

C. If a responsible person wishes to have a civil penalty waived or reduced pursuant to Paragraphs B.1 or B.2 above, the responsible person shall submit to the City Administrator evidence of enrollment in a recognized counseling or rehabilitation program within four (4) weeks of receipt of notice of the violation. Furthermore, if the counseling or rehabilitation program lasts longer than four (4) weeks, the responsible person shall submit evidence of continued enrollment every two (2) weeks until completion of the program.

9.70.040 Remedies Cumulative; Actions; Relationship To Other Laws.

The remedy provided under this chapter is cumulative, and shall not restrict the City to any other remedy to which it is entitled under law or equity. Nothing in this chapter shall be deemed to preclude the imposition of any criminal penalty under state law or the Municipal Code. Nor shall anything in this chapter be deemed to conflict with any penalty or provision under state law, or to prohibit any conduct authorized by the state or federal constitution.

ORDINANCE NO. 5457

STATE OF CALIFORNIA)
)
COUNTY OF SANTA BARBARA) ss.
)
CITY OF SANTA BARBARA)

I HEREBY CERTIFY that the foregoing ordinance was introduced on July 22, 2008, and was adopted by the Council of the City of Santa Barbara at a meeting held on July 29, 2008, by the following roll call vote:

AYES: Councilmembers Iya G. Falcone, Dale Francisco, Roger L. Horton, Grant House, Helene Schneider, Das Williams; Mayor Marty Blum

NOES: None

ABSENT: None

ABSTENTIONS: None

IN WITNESS WHEREOF, I have hereto set my hand and affixed the official seal of the City of Santa Barbara on July 30, 2008.

Cynthia M. Rodriguez

Cynthia M. Rodriguez, CMC
City Clerk Services Manager

I HEREBY APPROVE the foregoing ordinance on July 30, 2008.

Marty Blum

Marty Blum
Mayor