

Chapter 9.07

SOCIAL HOST OF MINORS ACCOUNTABILITY

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Section 9.07.010 Findings.

The City Council finds as follows:

A. The occurrence of parties, gatherings, or events on private property where alcoholic beverages, marijuana or other controlled substances are consumed by minors, are harmful to the minors themselves and a threat to public health, safety, quiet enjoyment of property, and general welfare.

B. These parties, gatherings, or events held at private residences or other private property, places, or premises, including rented commercial premises, often involve loud noise and foster a range of criminal conduct. Some of the typical offenses include excessive noise or traffic, obstruction of public streets, assault, menacing conduct, fights, harassment, disorderly conduct, littering, public drunkenness, indecent exposure, public urination, vandalism, and criminal mischief. These gatherings and associated criminal behavior disturb the peace of nearby residents, pose a danger to persons attending the gathering and to other persons in the vicinity, detract from the livability of the neighborhood, and reduce the value of nearby properties.

C. Persons responsible for the occurrence of such gatherings often fail to take reasonable steps to prevent the consumption of alcoholic beverages, marijuana or other controlled substances by minors at these gatherings.

D. The ability of police officers to control gatherings on private property where alcoholic beverages, marijuana or other controlled substances are consumed by minors is necessary when such activity is determined to be a threat to the peace, health, safety, or general welfare of the public.

E. Gatherings involving consumption of alcohol, marijuana or other controlled substances by minors, as defined by this Chapter, are unlawful and constitute a public nuisance pursuant to state law and the provisions of this Code.

F. Property owners, by themselves or through their agents, have the ability to prevent these gatherings and to deter recurrences. Although they may not themselves commit any of the offenses at issue, property owners should be held responsible, not only if they organize, host or facilitate these gatherings, but also if they allow or tolerate those offenses on

property that they control as owner. Consequently, responsibility and financial liability is joint and several. (Ord. 7223 § 1, 2013; Ord. 6090 § 1, 1993)

Section 9.07.020 Authority and purpose.

A. This Chapter is adopted pursuant to the authority granted to the City of Riverside in Article XI, Section 5(a) and Section 7 of the California Constitution, and Section 200 of the Riverside City Charter.

B. The purpose and intent of this Chapter is to protect public health, safety, and general welfare of people and premises in the City, including the quiet enjoyment of property by enhancing the ability of law enforcement to deter the consumption of alcohol, marijuana or controlled substances by minors, and reducing the costs of providing police, fire, and code enforcement services to parties, gatherings, or events by requiring hosts, tenants, and property owners to ensure that minors are not consuming alcoholic beverages, marijuana or other controlled substances. (Ord. 7223 § 1, 2013; Ord. 6090 § 1, 1993)

Section 9.07.030 Definitions.

The following definitions apply to this Chapter:

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

“Controlled substance” means a drug or substance the possession and use of which is regulated under the federal controlled substances act. Such term does not include any drug or substance for which the individual found to have consumed such substance has a valid prescription issued by a licensed medical practitioner authorized to issue such a prescription.

“Gathering” is a party, gathering, or event where a group of three 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 a minor; or (2) a public or private agency with whom a minor has been placed by the court.

“Minor” means any person under 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 or business premises.

“Response costs” are the actual costs, both direct and indirect, associated with responses by law enforcement, fire, code enforcement, and other emergency response providers to a gathering, including but not limited to: (1) salaries and benefits of law enforcement, code enforcement, fire, or other emergency response personnel for the amount of time spent responding to, remaining at, or otherwise dealing with a gathering, and the administrative costs attributable to such response(s); (2) the cost of any medical treatment for any law enforcement, code enforcement, fire, or other emergency response personnel injured responding to, remaining at, or leaving the scene of a gathering; (3) the cost of repairing any city equipment or property damaged, and the cost of the use of any such equipment, in responding to, remaining at, or leaving the scene of a gathering; and (4) any other allowable costs related to the enforcement of this Chapter. (Ord. 7223 § 1, 2013; Ord. 6960 § 1, 2007; Ord. 6090 § 1, 1993)

Section 9.07.040 Consumption of alcohol, marijuana or other controlled substance by minors prohibited in public place, place open to public, or place not open to public.

Except as permitted by State law, it is unlawful for any minor to:

A. Consume at any public place or any place open to the public any alcoholic beverage, marijuana, or other controlled substance; or

B. Consume at any place not open to the public any alcoholic beverage, unless in connection with the consumption of the alcoholic beverage that minor is being supervised by his or her parent or legal guardian. (Ord. 7223 § 1, 2013; Ord. 6090 § 1, 1993)

Section 9.07.050 Hosting, permitting, or allowing a party, gathering, or event where minors consume alcoholic beverages, marijuana or other controlled substance prohibited.

A. Imposition of Duty and Violation.

1. It is the duty of any person having ownership or control of any premises, who hosts, permits, or allows a gathering at said premises to take all reasonable steps to prevent the consumption of alcoholic beverages, marijuana or other controlled substance by any minor at the gathering. Reasonable steps are controlling access to alcoholic beverages, marijuana or other controlled substances 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; prohibiting the possession and/or use of marijuana or other controlled substance at the gathering; and supervising the activities of minors at the gathering.

2. It is unlawful for any person having ownership or control of any premises to host, permit, or allow, tacitly or otherwise, a gathering to take place at said premises where at least one minor consumes an alcoholic beverage, marijuana or other controlled substance whenever the person having ownership or control of the premises either knows a minor has consumed an alcoholic beverage, marijuana or other controlled substance or reasonably should have known that a minor consumed an alcoholic beverage, marijuana or other controlled substance, had the person taken all reasonable steps to prevent the consumption of an alcoholic beverage, marijuana or other controlled substance by a minor as set forth in subsection (A)(1) of this section.

B. This section shall not apply to conduct involving the use of alcoholic beverages that occurs exclusively between a minor and his or her parent or legal guardian, as permitted by Article I, Section 4, of the California Constitution.

C. This section shall not apply to any California Department of Alcoholic Beverage Control licensee at any premises regulated by the Department of Alcoholic Beverage Control. (Ord. 7223 § 1, 2013; Ord. 6090 § 1, 1993)

Section 9.07.060 Public nuisance.

Any violation of this Chapter shall constitute a public nuisance. (Ord. 7223 § 1, 2013; Ord. 6090 § 1, 1993)

Section 9.07.070 Authority to abate.

Any violation of this Chapter may be abated by the City by all reasonable means including, but not limited to, an order requiring the gathering to be disbanded and citation and/or arrest of any law violators under any applicable state or local law, abatement as a nuisance under Chapter 6.15 of this Code, or by any other remedy or penalty available at law. (Ord. 7223 § 1, 2013; Ord. 6090 § 1, 1993)

Section 9.07.080 Responsibility for abatement costs.

The person responsible for the gathering, the tenant of the premises where the gathering takes place and the owner of the premises are jointly and severally liable for the costs of abating a violation of this Chapter. (Ord. 7223 § 1, 2013)

Section 9.07.090 Recovery, imposition, and collection of abatement costs.

The City shall be entitled to recovery, imposition, and collection of its abatement costs including, but not limited to, the response costs as defined herein and its attorney's fees as provided in Chapter 6.15 of this Code. (Ord. 7223 § 1, 2013)