

ORDINANCE NO. 5557

ORDINANCE OF THE COUNCIL OF THE CITY OF ROSEVILLE ADDING CHAPTER
10.71 TO TITLE 10 OF THE ROSEVILLE MUNICIPAL CODE REGARDING SOCIAL
HOST ACCOUNTABILITY

THE CITY OF ROSEVILLE ORDAINS:

SECTION 1. Chapter 10.71 of Title 10 of the Roseville Municipal code is hereby added to read as follows:

Chapter 10.71

SOCIAL HOST ACCOUNTABILITY

10.71.010 Purpose and intent.

Instances of large parties and disturbances both at rental facilities and private homes often disturb the public peace, safety, and welfare of members of the community. These incidents can also jeopardize the welfare and safety of those in attendance due to assaultive and/or destructive behavior.

The purpose of this chapter is to protect the 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 other controlled substances by minors and to hold adult hosts accountable for ensuring minors are not consuming alcoholic beverages, marijuana, or other controlled substances.

10.71.020 Definitions.

The words and phrases used in this chapter have the meanings set forth in this section.

A. "Alcoholic beverage" means alcohol, spirits, liquor, wine, beer, and any liquid or solid containing alcohol, spirits, wine, or beer, and which contains one-half of one percent (1/2%) or more of alcohol by volume and which is fit or used for beverage purposes either alone or when diluted, mixed, or combined with other substances.

B. "Controlled substance" means those controlled substances set forth in Sections 11054, 11055, 11056, 11057, and 11058 of the California Health and Safety Code, identified as Schedules I through V, inclusive, as said sections now exist or may hereafter be amended.

C. "Gathering" means a party, or event, where a group of three (3) or more persons have assembled or are assembling for a social occasion or social activity.

D. "Guardian" means (1) a person who, under court order, is the guardian of the juvenile; or (2) a public or private agency with whom the juvenile has been placed by the court.

E. "Juvenile(s)" means any person under eighteen (18) years of age.

F. "Marijuana" means any item described in Section 11018 of the California Health & Safety Code, as it now exist or may hereafter be amended.

G. "Minor(s)" means any person under twenty-one (21) years of age.

H. "Parent" means a person who is the legal natural parent, adoptive parent or step-parent of a juvenile.

I. "Premises" means any parcel(s) of property owned, leased, occupied, or under the control of a person.

J. "Social host" means any person having ownership or control of a premises, or is responsible for organizing a gathering, who knowingly permits or allows, tacitly or otherwise, a gathering or unruly gathering, as those terms are defined in this chapter, to occur on private property.

K. "Unruly gathering" shall mean a party, event or gathering where three (3) or more persons are present at a residence or other private property in which alcoholic beverages, marijuana, and/or controlled substances are being consumed or possessed and upon which unruly conduct occurs. Illustrative of such unruly conduct is excessive noise, excessive traffic, obstruction of public streets by crowds or vehicles; public drunkenness, or unlawful public consumption of alcohol, marijuana, or controlled substances, assaults, batteries, fights, domestic violence or other disturbances of peace, vandalism, litter, and any other conduct which constitutes a threat to public health, safety, quiet enjoyment of property or general welfare.

10.71.030 Hosting, permitting, allowing a gathering where minors consume alcoholic beverages, marijuana, or other controlled substances prohibited.

A. Except as permitted by law, it is unlawful for any person having ownership or control of any premises, or who is responsible for a gathering or unruly gathering, to host, knowingly permit, or allow, tacitly or otherwise, a gathering to take place at said premises, where at least one minor possesses or consumes an alcoholic beverage, marijuana, or other controlled substance.

B. Except as provided in Section 10.71.030(G) below, whenever a person having ownership or control of a premises is on the premises and allows a minor to possess or consume any alcoholic beverage, marijuana, or controlled substance thereon, it shall be prima facie evidence that such person had the requisite knowledge specified in subsection (A).

C. A social host shall be deemed to have constructive knowledge that a minor has consumed or possessed alcoholic beverages, marijuana, or controlled substances if the social host did not take reasonable steps to prevent the consumption or possession of alcoholic beverages, marijuana, and controlled substances by the minor.

D. A social host shall not be in violation of this chapter if he or she seeks immediate assistance from any law enforcement agency to remove any person who refuses to abide by the social hosts' performance of the duties imposed by this chapter, or to terminate the gathering because the social host has been unable to prevent minors from consuming or possessing alcoholic beverages, marijuana, or other controlled substances despite having taken reasonable steps to do so. A social host shall not be in violation of this chapter if he or she seeks medical assistance to provide care for a person in immediate danger due to the accidental or intentional overdose of alcohol, marijuana, or a controlled substance.

E. When law enforcement or other emergency response providers respond to a gathering at which a minor has consumed or is consuming alcoholic beverages, marijuana, or a controlled substance, all social hosts shall be jointly and severally liable.

F. This section shall not apply to any location or place regulated by the California Department of Alcoholic Beverage Control.

G. This section shall not apply to: (1) a parent or legal guardian who provides an alcoholic beverage at a family gathering to a minor under the parent or legal guardian's immediate care; (2) a parent or legal guardian who provides marijuana to a minor who is legally qualified to use marijuana, as required by the California Department of Public Health's "Medical Marijuana

Program,” as amended from time to time; or (3) to any person who provides an alcoholic beverage to a minor as part of a legally protected religious activity.

10.71.040 Penalties.

It is unlawful and a public nuisance to intentionally violate any of the provisions of this chapter, including but not limited to hosting, permitting, or allowing, tacitly or otherwise, an unruly gathering on any private property. Violation of this chapter may be charged as either an infraction or a misdemeanor in the discretion of the city attorney.

10.71.050 Civil injunction.

The violation of any provision of this chapter shall be and is hereby declared to be contrary to the public interest and shall, at the discretion of city, create a cause of action for injunctive relief.

10.71.060 Administrative remedies.

In addition to the civil remedies and criminal penalties set forth herein, any person that violates the provisions of this chapter may be subject to administrative remedies, as set forth by city ordinance.

10.71.070 Cumulative remedies, procedures and penalties.

Unless otherwise expressly provided, the remedies, procedures and penalties provided by this chapter are cumulative to each other and to any others available under state law or other city ordinances.

10.71.080 Juvenile social hosts.

If the social host is a juvenile, the parents or legal guardians of the juvenile shall be responsible for any penalty imposed pursuant to this chapter.

10.71.090 Effect on criminal prosecution.

Nothing in the adoption or administration of this chapter shall be construed as affecting the ability to initiate or continue concurrent or subsequent criminal prosecution for any violation of the provisions of this code or any state law arising out of the same circumstances necessitating the application of this chapter.

10.71.100 Severability.

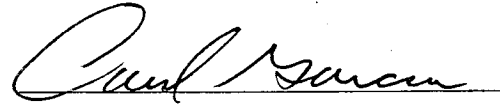
The provisions of this chapter are hereby declared to be severable. If any section, sentence, clause, phrase, word, portion or provision of the ordinance codified in this title is held invalid or unconstitutional, or unenforceable, by any court of competent jurisdiction, such holding shall not affect, impair, or invalidate any other section, sentence, clause, phrase, word, portion, or provision of said ordinance which can be given effect without the invalid portion. In adopting said ordinance, the city council affirmatively declares that it would have approved and adopted said ordinance even without any portion which may be held invalid or unenforceable.

SECTION 2. This ordinance shall be effective at the expiration of thirty (30) days from the date of adoption.

SECTION 3. The City Clerk is hereby directed to cause this ordinance to be published in full at least once within fourteen (14) days after it is adopted in a newspaper of general circulation in the City, or shall within fourteen (14) days after its adoption cause this ordinance to be posted in full in at least three (3) public places in the City and enter in the Ordinance Book a certificate stating the time and place of said publication by posting.

PASSED AND ADOPTED by the Council of the City of Roseville this 16th day of September, 2015, by the following vote on roll call:

AYES	COUNCILMEMBERS:	Gore, Rohan, Garcia
NOES	COUNCILMEMBERS:	Roccucci
ABSENT	COUNCILMEMBERS:	Herman



MAYOR

ATTEST:



City Clerk