

ORDINANCE NO. 1029

**ORDINANCE OF THE CITY COUNCIL
OF THE CITY OF ROCKLIN
ADDING CHAPTER 9.42- SOCIAL HOST ACCOUNTABILITY
TO THE ROCKLIN MUNICIPAL CODE**

The City Council of the City of Rocklin does ordain as follows:

Section 1. Title 9 of the Rocklin Municipal Code is amended to add a new Chapter 9.42 – Social Host Accountability in the form attached and incorporated herein as Exhibit A.

Section 2. Within fifteen days of passage of this ordinance, the City Clerk shall cause the full text of the ordinance, with the names of those City Councilmembers voting for and against the ordinance, to be published in the Placer Herald. In lieu of publishing the full text of the ordinance, the City Clerk, if so directed by the City Attorney and within fifteen days, shall cause a summary of the ordinance, prepared by the City Attorney and with the names of the City Councilmembers voting for and against the ordinance, to be published in the Placer Herald, and shall post in the office of the City Clerk a certified copy of the City Councilmembers voting for and against the ordinance. The publication of a summary of the ordinance in lieu of the full text of the ordinance is authorized only where the requirements of Government Code section 36933(c)(1) are met.

INTRODUCED at a regular meeting of the City Council of the City of Rocklin held on March 10, 2015, by the following vote:

AYES:	Councilmembers:	Ruslin, Butler, Magnuson, Yuill
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Janda
ABSTAIN:	Councilmembers:	None

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Rocklin held on March 24, 2015, by the following vote:

AYES: Councilmembers: Ruslin, Butler, Janda, Magnuson

NOES: Councilmembers: None

ABSENT: Councilmembers: Yuill

ABSTAIN: Councilmembers: None



George Magnuson, Mayor

ATTEST:



Barbara Ivanusich, City Clerk

First Reading: 3/10/15
Second Reading: 3/24/15
Effective Date: 4/22/15

EXHIBIT A

Chapter 9.42- Social Host Accountability Ordinance

Sections:

9.42.010 – Purpose and intent

9.42.020 – Definitions

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

9.42.040 - Unruly gatherings—Public nuisance

9.42.050 - Civil enforcement and penalties for violations

9.42.060 – Administrative rules and regulations

9.42.070 - Effect on criminal prosecutions

9.42.010 - Purpose and intent.

The purpose of this section 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.

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.

9.42.020 - Definitions.

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

- A. "Alcohol" shall have the same meaning as in California Business and Professions Code section 23003 or any successor section.
- B. "Alcoholic beverage" shall have the same meaning as in California Business and Professions Code section 23004 or any successor section.

- C. "Controlled substance" means a drug or substance whose possession and use are regulated under the California Controlled Substances Act (Cal. Health and Safety Code section 11000, et seq.). Such term does not include any drug or substance for which the individual found to have consumed or possessed such substance has a valid prescription issued by a licensed medical practitioner authorized to issue such a prescription.
- D. "Gathering" is a party, or event, where a group of three or more underage persons have assembled or are assembling for a social occasion or social activity.
- E. "Juvenile" means any person under eighteen years of age.
- F. "Legal Guardian" means: (i) a person who, under court order, is the guardian of a minor; or (ii) a public or private agency with whom a minor has been placed by the court.
- G. "Minor" means any person less than twenty-one years of age as defined by California Business and Professions Code section 25662.
- H. "Parent" means a person who is a natural parent, adoptive parent, foster parent, or step-parent of a minor.
- I. "Premises" means any non-publicly owned place, land or building used for habitation or social events.
- J. "Social Host" means any person having ownership or control of a premise, 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 section, to occur on private property.
- K. "Unruly Gathering" shall mean a party, event or gathering where three or more underage persons are present at a residence or other private property in which alcoholic beverages are being consumed or possessed by any Minor 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 or alcoholic beverages, 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 residential property or general welfare.

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

- A. Except as permitted by state 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 whenever the person having ownership or control of the premises either knew, or reasonably should have known, that a minor possessed or consumed an alcoholic beverage, marijuana or other controlled substance.
- B. Except as provided in subsection 9.42.040G 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 minors.
- D. A Social Host shall not be in violation of this section 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 section 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 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 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 a parent or legal guardian who provides an alcoholic beverage at a family gathering to a minor under the parent or legal guardian's care or to any person who provides an alcoholic beverage to a minor as part of a legally protected religious activity.

9.42.040 - Unruly gatherings—Public nuisance.

It shall be unlawful and a public nuisance to host, permit, or allow, tacitly or otherwise, an unruly gathering on any private property.

9.42.050 – Civil enforcement and penalties for violations.

- A. Any person found to be in violation of any provision of this chapter shall be subject to an administrative citation as set forth in Chapter 1.14 of this code. The enforcement officers for this chapter shall be City of Rocklin police officers and code enforcement officers.
- B. The civil penalty for any violation of this chapter shall be a fine of \$1,000 per occurrence.
- C. The civil fine prescribed does not preclude liability for public safety response costs assessed pursuant to Rocklin Municipal Code Chapter 9.40.
- D. If the Social Host is a juvenile, the parents or legal guardians of the juvenile shall be responsible for the civil penalty imposed under this section or the costs imposed under Rocklin Municipal Code Chapter 9.40.
- E. The responsible person may perform 24 hours of community service and pay City administrative fees, if any, as an alternative to paying the civil penalty with the prior written consent and approval of the City of Rocklin Police Chief or designee.
- F. The parents or guardians of a juvenile found to have hosted a gathering in violation of this Chapter may also request to have that juvenile serve the required hours of community service as described in subsection E, above, and pay City administrative fees, if any, as an alternative penalty to paying the applicable civil penalty.

- G. The City Police Chief or designee shall retain the discretion to approve the community service requested by the responsible person. Upon approval of City Police Chief or designee to perform community service, the responsible person shall complete the required hours within one year of approval, and shall submit proof of completion to City Police Chief or designee. Failure to receive approval to perform community service or failure to complete the required hours of service shall result in imposition of the applicable civil penalty, which is immediately payable. No reduction in the penalty is authorized for completion of less than the required hours of community service as set forth in subsection E unless approved by the City Manager or his designee.

- H. Community service will only be approved for the first citation issued within a one year period. Subsequent violations within one year from the first violation, will be subject to Civil Penalties.

9.42.060 - Administrative rules and regulations.

The Chief of Police may adopt administrative rules and regulations which are consistent with the provisions of this chapter for the purpose of implementing the same.

9.42.070- 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.