

**ORDINANCE NO. 2537**

**AN ORDINANCE OF THE CITY OF REDDING AMENDING TITLE 9 (HEALTH AND SAFETY), BY ADDING CHAPTER 9.01 (SOCIAL HOST REGULATIONS), SECTIONS 9.01.010 THROUGH 9.01.080, INCLUSIVE, RELATING TO PROHIBITING PERSONS HAVING CONTROL OVER PROPERTY FROM ALLOWING PARTIES WHERE MINORS ARE USING ALCOHOL OR CONTROLLED SUBSTANCES**

**THE CITY COUNCIL OF THE CITY OF REDDING DOES ORDAIN AS FOLLOWS:**

**WHEREAS**, the City of Redding, pursuant to the police powers delegated to it by the California Constitution, has the authority to enact ordinances which promote the public health, safety, and general welfare of its residents; and

**WHEREAS**, the use of alcohol and controlled substances by minors is against the law in California and poses significant health and safety dangers to such minors; and

**WHEREAS**, making adults who allow or facilitate the consumption of alcohol or controlled substances by minors at parties subject to citation, payment of penalties, and recovery of public safety costs for doing so will help reduce the incidence of such actions and thereby protect the health and safety of such Minors.

**NOW, THEREFORE, the City Council ordains as follows:**

**Section 1.** Title 9 (Health and Safety), Chapter 9.01 (Social Host Regulations), Sections 9.01.010 through 9.01.080, inclusive, of the Redding Municipal Code is hereby enacted to read as follows:

**9.01.010 Findings and Purpose.**

A. The City Council finds that parties on and public private property where alcohol or controlled substances are consumed by minors are unlawful and disturb the peace of those in the vicinity of the party.

B. Control of large parties on public or private property where alcohol or controlled substances are consumed by minors is necessary because such activity is a threat to the peace, health, safety or general welfare of the public and a public nuisance.

C. Police officers frequently have been required to make return calls to the location of a party event where alcohol or controlled substances are being consumed by minors in order to disperse uncooperative participants, thereby causing public expense as well as a drain of manpower and resources.

D. An ordinance granting the City of Redding the ability to abate parties where alcohol or controlled substances are being consumed by minors on public or private property will result in a decrease in abuse of intoxicants by minors, physical altercations and injuries, neighborhood vandalism and excessive noise, thereby improving public health and safety.

E. Therefore, the City Council of the City of Redding finds and declares that the adoption of an ordinance is necessary to protect public health, safety and general welfare, assist in the enforcement of laws prohibiting the consumption of alcohol and use of controlled substances by minors, and to recover costs of providing public safety services to such parties.

#### **9.01.020 Definitions.**

The following words and phrases, whenever used in this Chapter, shall have the meaning provided in this Section unless the context clearly requires otherwise:

A. "Juvenile" is any person under the age of 18 years.

B. "Minor" is any person under the age of 21 years.

C. "Party" and "Parties" means any group of two or more persons who have assembled or are assembling for a social occasion or activity at a Premises where alcohol or a Controlled Substance is being consumed or used by a Minor.

D. "Premises" means any residence or other private property, or rented public property. Premises include any land on which the residence or other private property or rented public property is located and any accessory structures located on the land.

E. "Controlled Substance" means any drug or substance described in California Health & Safety Code Section 11007, as it may be amended or superseded, or any drug or substance prohibited by the Controlled Substances Act, 21 U.S.C. Section 801 et seq., as it may be amended or superseded, provided that the term does not include any drug or substance for which an individual found to have possessed or consumed such drug or substance has a valid prescription issued by a licensed medical practitioner authorized to issue such a prescription, at the time of such possession.

F. "Public Safety Service Costs" includes the costs associated with responses by law enforcement, code enforcement, fire and other emergency response providers to a Party, 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 leaving a Party; and

2. The cost of any medical treatment, regardless of cause, for any law enforcement, code enforcement, fire or other emergency response personnel injured responding to,

remaining at or leaving the scene of a Party; and

3. The cost of repairing any City equipment or property damage, and the cost of the use of any such equipment, in responding to, remaining at or leaving the scene of a Party; and

4. The administrative costs attributable to processing a citation including, but not limited to, the costs to investigate, write reports and issue citations.

G. “Responsible Person” includes but is not limited to:

1. Any person who has control or is in charge of the Premises where a Party occurs where alcohol or a Controlled Substance is consumed by a Minor, irrespective of whether such person knew of the Party or knew that alcohol beverages or Controlled Substances would be consumed by Minors;

2. Any person who conducts, aids, organizes, hosts, permits or allows a Party where alcohol or a Controlled Substance is consumed by a Minor; and

3. In the event the Responsible Person is a Juvenile, the Juvenile and his or her parents, legal custodians or guardians shall be considered Responsible Persons.

**9.01.030 Prohibition of Parties Where Minors Use, Consume, or Possess Alcohol or Any Controlled Substance.**

A. No person in control of any Premises shall suffer, permit, allow, or host a Party at the Premises where alcohol or a Controlled Substance is consumed by any Minor.

B. Violation of this Section may occur irrespective of whether such person had actual knowledge of the Party or intended that alcohol or a Controlled Substance be consumed by any Minor. Furthermore, a Responsible Person need not be present at the Party to be in violation of this Section. Notwithstanding the foregoing, a landlord shall not be in violation of this Section unless he or she has knowledge that the Party is to take place or is taking place.

C. Notwithstanding the foregoing, a person shall not be in violation of this Section if he or she:

1. Seeks immediate assistance from any law enforcement agency to remove any person who is possessing or consuming alcohol or a Controlled Substance in violation of this Chapter; or

2. Seeks immediate assistance from any law enforcement agency to terminate the Party because the person has been unable to prevent Minors from possessing or consuming alcohol or a Controlled Substance; or

3. Seeks immediate assistance from any law enforcement agency or other agency providing emergency medical services when necessary to secure the health and safety of

an intoxicated Minor at the Party.

D. Violation of this Section shall be deemed a public nuisance.

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

**9.01.040 Public Safety Service Costs, Civil and Administrative Penalties.**

A. Any Responsible Person who violates any provision of this Chapter shall be liable and responsible for, and shall be required to reimburse the City for, all Public Safety Service Costs incurred by the City in responding to the Party. If there is more than one Responsible Person for the Party, all such individuals shall be jointly and severally liable for the Public Safety Service Costs.

B. In addition to any and all other Public Safety Costs which may be assessed or imposed as a result of violation of this Chapter, any Responsible Person who violates any provision of this Chapter shall be liable and responsible for, and shall pay to the City, a civil or administrative penalty of:

1. \$250.00 for a first violation;
2. \$500.00 for a second violation; and
3. \$1,000.00 for each additional violation.

C. As a condition precedent to the assessment of Public Safety Costs and civil or administrative penalties as set forth in Subdivisions (A) and (B) of this Section, a warning to the Responsible Party shall be given. A warning shall be deemed given when provided orally or in writing. A warning shall not be required for a subsequent offense. Notwithstanding, any Responsible Party given a warning by City of Redding personnel at the Premises and while the Party is occurring, is subject to citation, payment of an administrative penalty and the recovery of Public Safety Costs if said Responsible Party fails to take reasonable efforts to immediately terminate the Party.

D. If the person violating this Chapter is a Juvenile, the Juvenile and his or her parents, legal custodians or legal guardians shall be jointly and severally liable for the civil penalties imposed hereunder.

**9.01.050 Administrative Citations and Appeals.**

A. Whenever an enforcement officer, whether of the Redding Police Department or Code Enforcement Division, determines a violation of this Chapter has occurred, the enforcement officer is authorized to issue an administrative citation to any Responsible Person, pursuant to Chapter 1.13 of the Redding Municipal Code.

B. An administrative citation shall include an assessment of an administrative penalty and Public Safety Costs.

C. Appeal of an administrative citation shall be made pursuant to the procedures set forth in Chapter 1.13 of the Redding Municipal Code. Failure to timely request an administrative hearing in the manner required by Chapter 1.13 of the Redding Municipal Code constitutes a waiver of the hearing and a failure to exhaust administrative remedies.

**9.01.060 Recovery of Public Safety Costs and Penalties.**

A. Recovery of Public Safety Costs and penalties shall be considered an abatement cost within the meaning of Chapter 1.14 of the Redding Municipal Code and subject to recovery by means of the procedures set forth therein.

B. The City Attorney is authorized to file a civil action or proceeding to recover such Public Safety Service Costs and penalties, and to take any other action at law or equity which he or she may deem necessary to recover the same. In any such action or proceeding, the City shall be entitled to recover its costs, including, but not limited to, its attorneys' fees.

**9.01.070 Criminal Liability.**

This Chapter is not intended to, and does not, establish criminal liability.

**9.01.080 Remedies Cumulative.**

The remedies provided under this Chapter are cumulative, and shall not restrict the City from using any other remedy to which it is entitled under law or equity. Nothing in this Chapter shall be deemed to conflict with any penalty or provision of state law, or to prohibit any conduct authorized by the state or federal statutes or constitutions.

**Section 2.** Severability. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held by a court of competent jurisdiction to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of the ordinance. The City Council of the City of Redding hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause and phrase thereof irrespective of the fact that one or more sections, subsections, sentences, clauses or phrases may be held invalid or unconstitutional.

**Section 3.** The passage of this ordinance is not a "project" according to the definition in the California Environmental Quality Act, and therefore is not subject to the provisions requiring environmental review.

**Section 4.** This ordinance shall take effect thirty (30) days after the date of its adoption, and the City Clerk shall certify to the adoption thereof and cause its publication according to law.

**I HEREBY CERTIFY** that the foregoing ordinance was introduced and read by the City Council of the City of Redding at a regular meeting on the 3rd day of November, 2015, and was duly read and adopted at a regular meeting on the \_\_\_\_ day of \_\_\_\_\_, 2015, by the following vote:

**AYES: COUNCIL MEMBERS:**  
**NOES: COUNCIL MEMBERS:**  
**ABSENT: COUNCIL MEMBERS:**  
**ABSTAIN: COUNCIL MEMBERS:**

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**FRANCIE SULLIVAN, Mayor**

**Attest:**

**Form Approved:**

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**PAMELA MIZE, City Clerk**

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**BARRY E. DeWALT, City Attorney**