



REPORT TO COUNCIL 13

City of Sacramento

915 I Street, Sacramento, CA 95814-2604
www.CityofSacramento.org

STAFF REPORT
November 23, 2010

**Honorable Mayor and
Members of the City Council**

Title: An Ordinance Adding Article IV to Chapter 9.12 of the City Code Relating to Social Host Liability for Alcohol Consumption by Minors

Location/Council District: Citywide

Recommendation: Adopt an ordinance adding Article IV to Chapter 9.12 of the Sacramento City Code relating to social host liability for alcohol consumption by minors.

Contact: Derrick Lim, Manager, Neighborhood Services / Special Events, 808-2260

Presenters: Derrick Lim, Manager, Neighborhood Services / Special Events

Department: Parks and Recreation

Division: Neighborhood Services / Special Events

Organization No: 19001511

Description/Analysis

Issue: Youth alcohol consumption is a growing problem in Sacramento. According to research by the UC Davis Health System Trauma and Prevention Outreach program:

- 90% of 11th graders acknowledge frequent use of alcohol is harmful, yet 62% acknowledge using it.
- UC Davis regional trauma center data from 2004 to 2008 show an increase in the number of intoxicated youth being treated, and an increase in average blood alcohol level.
- Between 2006 and 2007, 414 persons were injured and 18 killed by underage drinking drivers drinking in Sacramento county.
- The cost of alcohol involved medical care for 12 to 20 year olds at one Sacramento hospital during the month of April exceeded \$345,000.

The Sacramento Youth and Alcohol Coalition (SYAC), an affiliate of the UC Davis Trauma Prevention and Outreach program, presented this data and a

Social Host Ordinance (SHO) recommendation to the Sacramento Youth Commission in 2009 (Attachment 3). The Social Host Ordinance is a specific prevention strategy targeting teen alcohol use and individuals responsible for underage drinking on their property. The Sacramento Youth Commission voted to support the establishment of a Social Host Ordinance in Sacramento as one of their strategic planning initiatives.

Other jurisdictions (e.g., County of Sacramento, City of Elk Grove) have already adopted a Social Host Ordinance (Attachments 4 and 5). On August 18, 2010 Governor Arnold Schwarzenegger signed Assembly Bill 2486 related to underage drinking and social host liability (Attachment 6).

Policy Considerations: Councilmember Robbie Waters requested staff and the Sacramento Youth Commission develop an ordinance regulating the hosting of gatherings where minors are consuming alcoholic beverages. Presently, state laws prohibit minors from possessing alcohol in public and also makes it unlawful for adults to sell, furnish, or give alcoholic beverages to a minor (Business and Professions Code sections 25662 and 25658(a)). The City also has the ability to recover law enforcement costs incurred in response to loud and unruly gatherings pursuant to City Code section 8.68.140. The ordinance is consistent with the City of Sacramento's focus on public safety, youth, and quality of life.

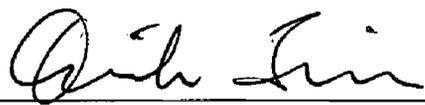
California Environmental Quality Act (CEQA): This report concerns administrative activities that will not have any significant effect on the environment and that do not constitute a "project", as defined by CEQA Guidelines: Sections 15061(b)(3); 15378(b)(2).

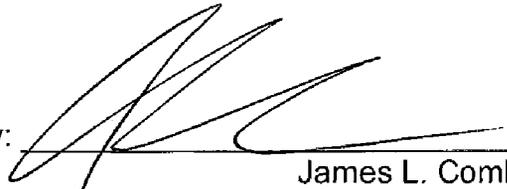
Commission/Committee Action: On November 2, 2009 the Sacramento Youth Commission voted to support the establishment of a Social Host Liability Ordinance in Sacramento as one of their strategic planning initiatives. On September 21, 2010 the Law and Legislation Committee directed staff to come before City Council with a Social Host Ordinance for consideration.

Rationale for Recommendation: A Social Host Liability Ordinance is a tool for the City to hold persons accountable for underage drinking at their gatherings on private property. Staff has reviewed different approaches by other local jurisdictions such as the County of Sacramento and City of Elk Grove in regulating consumption of alcoholic beverages by minors on private property, and discussed internal coordination between the Police Department and Department of Finance on implementation of the proposed ordinance.

Financial Considerations: None

Emerging Small Business Development (ESBD): Not applicable.

Respectfully Submitted by: 
Derrick Lim
Manager, Neighborhood Services / Special Events

Approved by: 
James L. Combs
Director, Parks and Recreation Department

Recommendation Approved:


for Gus Vina
Interim City Manager

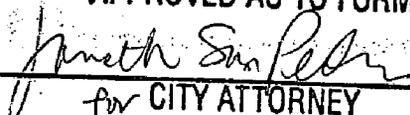
APPROVED AS TO FORM:

for CITY ATTORNEY

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Attachment 1

BACKGROUND

In fall 2009, the Sacramento Youth and Alcohol Coalition (SYAC) presented the concept of a Social Host Ordinance (SHO) to the Sacramento Youth Commission. SYAC is affiliated with UC Davis Trauma Prevention and Outreach to develop prevention strategies targeting teen alcohol use. SHO is a specific strategy to hold individuals responsible for underage drinking on private property.

On November 2, 2009 the Sacramento Youth Commission voted to support the establishment of a Social Host Liability Ordinance as one of their strategic planning initiatives. The Sacramento Youth Commission conducted due diligence and reported their findings and recommendations in a 24 page report: Social Host Ordinance Ad-Hoc Report (Attachment 7).

On May 11, 2010, the Youth Commission presented their findings and recommendations at the Sacramento Police Department Captain's meeting. The Police Captains and Councilmember Robbie Waters encouraged the Youth Commission and Office of Youth Development to bring the SHO recommendation to City Council for consideration.

On September 21, 2010 the Law and Legislation Committee directed staff to come before City Council with a Social Host Ordinance for consideration.



ORDINANCE NO.

Adopted by the Sacramento City Council

Date Adopted

AN ORDINANCE ADDING ARTICLE IV TO CHAPTER 9.12 OF THE SACRAMENTO CITY CODE RELATING TO SOCIAL HOST LIABILITY FOR ALCOHOL CONSUMPTION BY MINORS

BE IT ENACTED BY THE COUNCIL OF THE CITY OF SACRAMENTO:

SECTION 1

A. Findings. The City Council finds as follows:

1. Minors often obtain, possess, or consume alcoholic beverages at gatherings held at private residences or other private property, places or premises, including rented commercial premises. Persons responsible for these gatherings may fail to take reasonable steps to prevent consumption of alcoholic beverages by minors.

2. Consumption of alcoholic beverages by minors is harmful to the minors and poses a threat to the public health, safety and welfare in that it increases alcohol abuse by minors resulting in injury, incidents of minors driving while intoxicated, physical altercations, neighborhood vandalism, excessive noise disturbance, and violent crimes including sexual offenses.

3. Law enforcement and other emergency personnel respond to these gatherings to manage the incident and, on occasion, make multiple responses to the same location, diverting valuable resources from other service calls in the community and resulting in a disproportionate expenditure of public safety resources. Law enforcement and other emergency personnel are not currently reimbursed for the costs attributable to responding to a gathering involving consumption of alcoholic beverages by minors.

B. Purpose. The purpose of this article is to protect the public health, safety and general welfare and quiet enjoyment of property by prohibiting the hosting, permitting, or allowing of gatherings where minors are consuming alcoholic beverages and holding persons who allow these gatherings responsible for the nuisances created by and the costs associated with responding to such gatherings.

SECTION 2

Article IV is added to Chapter 9.12 of the Sacramento City Code, to read as follows:

ARTICLE IV. SOCIAL HOST LIABILITY FOR ALCOHOL CONSUMPTION BY MINORS

9.12.200 Definitions.

“Alcoholic beverage” shall have the same meaning as in Section 23004 of the California Business & Professions Code.

“Family gathering” means a gathering where each minor present is supervised by his or her parent or guardian.

“Gathering” means any party, event or other meeting where two or more persons have assembled or are assembling for a social occasion or social activity.

“Guardian” means a person who, by court order, is the guardian of a minor; or a public or private agency with whom a minor has been placed by the court.

“Host a gathering” means to permit or allow a gathering to take place.

“Juvenile” means a person under the age of 18.

“Minor” means a person under the age of 21.

“Parent” means a person who is a natural parent, adoptive parent, foster parent, or step-parent.

“Response costs” means costs associated with law enforcement, fire, or other emergency response personnel responding to, remaining at, or leaving the scene of a gathering including, but not limited to:

1. Salaries and benefits of law enforcement, fire, or other emergency response personnel;
2. Administrative costs;
3. The cost of any medical treatment of injuries to any law enforcement, fire or other emergency response personnel;
4. The cost of using any city equipment;
5. The cost of repairing any damaged city equipment or property; and
6. Any other costs related to enforcement of this article.

“Social host” means a person who hosts a gathering including, but not limited to, the following:

1. The owner, tenant, landlord, property manager or person in charge of the private property where the gathering occurs;
2. The person who organizes, supervises, officiates, conducts, controls or otherwise is in charge of a gathering.

9.12.210 Consumption of alcohol by a minor on private property prohibited.

Except as provided in Section 9.12.230, no minor shall consume any alcoholic beverage on private property.

9.12.220 Hosting a gathering where minors consume alcoholic beverages prohibited.

Except as provided in Section 9.12.230, no person shall host a gathering on private property where such person knows or reasonably should know that alcoholic beverages are being served to, possessed by or consumed by a minor. Whenever such person is present during such a gathering where alcoholic beverages are being served to, possessed by or consumed by a minor, it shall be a rebuttable presumption that the person knew or should have known alcoholic beverages are being served to, possessed by or consumed by a minor.

9.12.230 Exemptions.

A. The provisions of Sections 9.12.210 and 9.12.220 shall not apply to:

1. Conduct involving use of alcoholic beverages as permitted under federal or state law;
2. Premises regulated by the California Department of Alcohol and Beverage Control;
3. A family gathering.

B. The provisions of Section 9.12.220 shall not apply to a social host who initiates contact with law enforcement to assist in removing any person from a gathering or terminating the gathering in order to comply with this article, provided such request for assistance is made before any other person contacts law enforcement to complain about the gathering.

9.12.240 Recovery of Response costs.

A. The response costs incurred for the second and any subsequent response within any 60-day period to the same property for a violation of this article shall be imposed on a social host as provided in this section. All social hosts in violation of Section 9.12.220 for the same gathering shall be jointly and severally liable for the response costs incurred in response to their gathering. If a social host who is in violation of Section 9.12.220 and liable for the response costs is a juvenile, the juvenile and the parent of the juvenile shall be jointly and severally liable for the response costs. The amount of response costs shall constitute a debt owed to the city.

B. Notice of the response costs shall be served via first-class mail on the social host(s) liable for such costs pursuant to subsection A, above. The notice shall contain the following information: 1) the name of the social host(s) being held liable for the response costs; 2) the address of the private property where the gathering occurred; 3) the date and time of the response; 4) the law enforcement, fire or other emergency response personnel who responded; and 5) an itemized list of the response costs.

C. Payment for response costs shall be remitted to the City of Sacramento within 30 calendar days of the date of the notice. The payment of any such costs shall be stayed upon

the filing of a timely appeal.

D. A social host charged with response costs may, within ten calendar days of the date of the notice of response costs, appeal the response costs in accordance with Article IV of Chapter 1.24. The appeal hearing shall be scheduled and conducted in the manner prescribed in Article IV of Chapter 1.24. Failure to timely file an appeal pursuant to Article IV of Chapter 1.24 shall constitute a failure to exhaust available administrative remedies, and shall bar any further or other review or appeal of the response costs.

9.12.250 Violation.

A. In addition to any other remedy allowed by law, any person who violates a provision of this article is subject to criminal sanctions, civil actions, and administrative penalties pursuant to Chapter 1.28.

B. Violations of this article are hereby declared to be a public nuisance.

C. Any person who violates a provision of this article is liable for civil penalties of not less than two hundred fifty dollars (\$250.00) or more than twenty-five thousand dollars (\$25,000.00) for each separate offense.

D. Any person who violates a provision of this article is guilty of a misdemeanor.

E. All remedies prescribed under this article shall be cumulative and the election of one or more remedies shall not bar the city from the pursuit of any other remedy for the purpose of enforcing the provisions hereof.

SECTION 3.

If any section, subsection, subdivision, sentence, clause or phrase in this ordinance is for any reason held to be unconstitutional, ineffective or in any manner in conflict with the laws of the United States, or the state of California, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council declares that it would have passed this ordinance and each section, subsection, subdivision, sentence, clause and phrase thereof, irrespective of the fact that any one or more section, subsection, subdivision, sentence, clause or phrase be declared unconstitutional, ineffective, or in any manner in conflict with the laws of the United States or the State of California.

Adopted by the City of Sacramento City Council on

by the following vote:

Ayes:

Noes:

Abstain:

Absent:

MAYOR

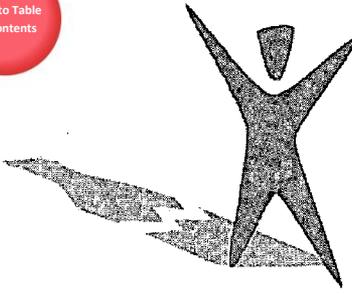
Attest:

City Clerk

Passed for Publication:

Published:

Effective:



Sacramento Youth and Alcohol Coalition

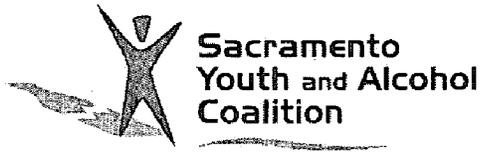
Attachment 3

SHO Presentation

- Introduce yourself as SYAC member through your organization
- SYAC background

The Sacramento Youth and Alcohol Coalition was formed in November of 2007 to develop community level prevention strategies targeting teen alcohol use and to improve the health and safety of adolescents in the Sacramento Region by decreasing the negative impacts of alcohol and other drugs on the lives of our youth. Building on years of stakeholder experience and the strength of collaboration, the coalition brings together existing prevention organizations that have the power to make a difference in the lives of our area's youth.

- Comprehensive approach to Alcohol Prevention
 - Education
 - Social Marketing
 - Policy Change
 - Enforcement
- SHO is the policy change
- What is a SHO?
 - Civil ordinance (monetary fine)
 - Holds individuals responsible for providing a venue for underage drinking to occur.
- A SHO does not apply to:
 - Intimate family gatherings
 - Religious ceremonies



Underage Drinking and Social Host Ordinances in Sacramento City and County

Sacramento's underage drinking rate is dangerously high and our youth are drinking too early, too often, and too much. Self reported data from Sacramento County (traditional) school students indicate that although 90% of 11th graders acknowledge that frequent alcohol use is harmful, 62% admit that they have consumed alcohol. Thirty-four percent of these students reported drinking alcohol within the past 30 days (California Healthy Kids Survey, 2006-2008). Young people report they most frequently get alcohol from parents or older adults and often drink at parties held at private residences.

Negative consequences associated with underage and binge drinking include:

- Negative effects on brain development - According to the American Medical Association, alcohol consumption during the teen years can result in permanent and irreversible brain damage, stunting brain size by up to 10%.
- Risky behaviors leading to motor vehicle crashes, alcohol poisoning, violence (e.g., assaults and rapes), and other injuries. UC Davis Regional Trauma Center data show an increase in the number of intoxicated youth being treated, as well as an increase in the average blood alcohol level. In Sacramento County between 2006 and 2007, 414 persons were injured and 18 were killed by intoxicated drivers between the ages of 15 and 20. The cost of alcohol-related medical care for 12-20 year old patients at one Sacramento hospital in April 2007 exceeded \$345,000.
- Unintended sex - which leads to higher levels of STDs and unwanted pregnancies - Among women, binge drinking is uniquely associated with risky sexual behaviors and sexually transmitted diseases. A recent study found that women who binge drink are five times more likely to contract gonorrhea than non-drinking women (Hutton, 2008).
- Life long patterns of increased problem drinking and alcoholism

To help mitigate the underage drinking problem in Sacramento, local agencies formed the Sacramento Youth and Alcohol Coalition (SYAC) that meets bi-monthly to collect data, develop objectives, and identify resources for change. The mission of SYAC is to improve the health and safety of adolescents by positively changing the community's response to underage alcohol use.

SYAC finds that the most effective community strategies to address underage drinking include a combination of policy, enforcement, and educational interventions. A social host ordinance that holds parents and other responsible people accountable if they knowingly host or allow unruly gatherings on their private property where underage minors (<21 years of age) are drinking alcohol is an important enforcement component. However, it is not intended to address familial gatherings, such as family dinners, religious observances or other intimate events.

As part of a comprehensive approach, SYAC supports the use of social host ordinances in Sacramento County and cities. The coalition has also designed a responsible host pledge program to prompt conversations between parents and youth, and distributed the pledge at high school

campuses and parent events in the Sacramento area. It has also implemented a social marketing campaign to address parents based on a youth perspective to raise further awareness of the issue. Working together, SYAC believes that we can make a positive change in our community.



Dear Community Member,

The consumption of alcohol by adolescents is a growing problem in the Sacramento area, affecting the health and safety of our youth, including immediate risks due to drinking and driving, other drug use, violence, risky sexual behaviors, sexually transmitted diseases, unwanted pregnancies, and sexual assaults, as well as long term consequences from academic problems, alcoholism, depression, and alcohol-related diseases. Sacramento's underage drinking rate is too high and our youth are drinking too early, too often, and too much. Young people tell us that they most often drink at parties and get their alcohol from a parent or an older adult.

Nature and Scope of the Problem in the Sacramento area

- Self reported data from Sacramento County (traditional) school students indicates that although 90% of 11th graders acknowledge that frequent use of alcohol is harmful, 62% state they have used alcohol. Thirty-four percent of students reported drinking alcohol within the 30 days previous to the survey (California Healthy Kids Survey, 2006-2008).
- Surveillance data from UC Davis regional trauma center for 2004 to 2008 show an increase in the number of intoxicated youth being treated, as well as an increase in the average blood alcohol level.
- Between 2006 and 2007, 414 persons were injured and 18 were killed by underage drivers (i.e., 15-20 year olds) who had been drinking in Sacramento County (SWIRTS)
- Cost of alcohol involved medical care for 12-20 year olds at one Sacramento hospital during the month of April 2007 exceeded \$345,000.

Agencies and community groups working with youth and young adults in the Sacramento region recognize the need to collaborate for a greater impact on healthy teen and young adult behaviors. To help address the issue of underage drinking in Sacramento, these agencies formed the Sacramento Youth and Alcohol Coalition (SYAC) which collects data, identifies resources, develops objectives, and promotes community wide action to confront the problem of underage alcohol consumption in the Sacramento area. The mission of the coalition is to improve the health and safety of adolescents through positively changing the community's response to underage alcohol use.

The coalition believes that the most effective community interventions include a combination of policy, enforcement, and education. Social host ordinances (SHO), that hold parents or other responsible adults accountable if they host or allow gatherings on their private property where underage minors (<21 years of age) are drinking alcohol, are one important component in a comprehensive strategy to change social norms and reduce the negative consequences from underage drinking. Under a SHO parents or other responsible adults would be liable for a civil

infraction if they “knew or should have known” that underage drinking was occurring at their property. SHO’s are not intended to address family gatherings, such as family dinners, religious observances or other intimate family events. Nor are they intended to hold property owners responsible if they did not reasonably know that underage drinking was occurring on their property.

Support for a SHO is only part of the SYA Coalition’s comprehensive strategy to change social norms regarding underage drinking. A “Responsible Host” pledge that is designed to prompt a conversation between parents and youth regarding underage drinking has been produced and is being distributed at high school campuses and parent events in the Sacramento area. A social marketing campaign addressing parents with the voice of our youth is also being implemented to raise awareness surrounding the issue of underage drinking. These SYAC efforts are tied to a host of other state and local enforcement (e.g., DUI check points, new ignition interlock device law) and educational (e.g., responsible server training) efforts that also impact underage drinking. Together the use of multiple approaches and interventions has been shown to reduce underage drinking and its negative consequences.

Coalition Stakeholders

- California Department of Alcohol Beverage Control (ABC)
- California Department of Motor Vehicles
- California Highway Patrol
- California Office of Traffic Safety
- California Rural Indian Health Board
- California State University, Sacramento
- Citizens Advocating Safe and Healthy Youth (CASHY)
- Elk Grove Police Department
- EGUSD Student Support and Health Services
- Friday Night Live (FNL)
- Jesuit High School
- Kaiser Permanente
- Mothers Against Drunk Driving (MADD)
- People Reaching Out
- Project Help
- ProProse
- Students Against Destructive Decision (SADD)
- Sacramento County Alcohol and Drug Advisory Board
- Sacramento Mutual Housing Association
- Sacramento Native American Health Center
- Sacramento Police Department
- UC Davis Health System



Sacramento County Code

Attachment 4

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Title 6 HEALTH AND SANITATION

Chapter 6.140 SOCIAL HOST LIABILITY

6.140.010 Title.

These regulations shall be known as the "Social Host Liability." (SCC 1458 § 1, 2010.)

6.140.020 Legislative Findings.

A. The occurrence of loud or unruly gatherings on private property where alcoholic beverages are served to, or consumed by, minors is harmful to the minors and a threat to public health, safety, quiet enjoyment of residential property and general welfare.

B. Minors often obtain, possess, or consume alcoholic beverages at gatherings held at private residences or other property, places or premises, whether rented or owned, which are under the control of a person who knows or should know of the consumption of alcoholic beverages by minors. Persons responsible for the occurrence of loud or unruly gatherings on private property over which they have possession or control often fail to take reasonable steps to prevent the consumption of alcoholic beverages by minors at these gatherings.

C. Consumption of alcoholic beverages by minors is harmful to the minors and poses an immediate threat to the public health, safety and welfare in that it increases alcohol abuse by minors and leads to physical altercations and violent crimes, including rape and other sexual offenses, accidental injury, neighborhood vandalism and excessive noise disturbance, all of which may require intervention by local law enforcement and other emergency responders.

D. Persons responsible for private property often fail to prevent the occurrence or reoccurrence of loud or unruly gatherings, including those where alcoholic beverages are served to, or consumed by, minors, which seriously disrupts the quiet enjoyment of neighboring residents.

E. The response of law enforcement and other emergency response providers to gatherings involving consumption of alcoholic beverages by minors often require extensive resources to manage the incident and may, on occasion, require response on multiple occasions to loud or unruly gatherings on private property. Further when law enforcement and other emergency response services personnel respond to gatherings involving the consumption of alcoholic beverages by minors, valuable resources are diverted from, and/or are not available for, other service calls in the community, thereby placing the community at increased risk. Such law enforcement and emergency response providers are not currently reimbursed for the response costs incurred by them when called to a gathering where minors obtain, possess, or consume alcoholic beverages.

F. The intent of this chapter is to protect the public health, safety, quiet enjoyment of property and general welfare. Its prohibitions are intended to deter the consumption of alcoholic beverages by minors by holding responsible person(s) who know of, or should know of, such conduct yet fail to stop or prevent it. Persons who actively and passively aid, allow or tolerate loud or unruly gatherings shall be responsible for the nuisances created by such gatherings and the costs associated with responding to such gatherings. (SCC 1458 § 1, 2010.)

6.140.030 Definitions.

The terms used in this chapter shall have the following meanings:

A. "Alcohol" means ethyl alcohol, hydrated oxide of ethyl, or spirits of wine, from whatever source or by whatever process produced.

B. "Alcoholic beverage(s)" means any liquid or solid material intended to be ingested by a person which contains ethanol, also known as ethyl alcohol, drinking alcohol, or alcohol, including but not limited to alcoholic beverages as defined in California Vehicle Code Section 109, intoxicating liquor, malt beverage, beer, wine, spirits, liqueur, whiskey, rum, vodka, cordials, gin, and brandy and any mixture containing one or more alcoholic beverage. Alcoholic beverage includes a mixture of one or more alcoholic beverages whether found or ingested separately or as a mixture.

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C. "Gathering" means any party, event or other meeting where a group of two or more persons have assembled or are assembling for a social occasion or social activity.

D. "Loud or unruly gathering" means a gathering conducted in such a manner as to constitute a substantial disturbance of the quiet enjoyment of private property.

E. "Legal guardian" means either a person who, by court order, is the guardian of the minor; or a public or private agency with whom a minor has been placed by the court.

F. "Minor" or "underaged person" is any person under the age of twenty-one (21) years.

G. "Owner" means the owner of record of any private property, but excludes landlords, property managers and similar owner agents of such private property, with the sole exception of an owner who, whether on a temporary or permanent basis, leases, rents, or allows the use of, such private property by or to a family member for any purpose, with or without compensation.

H. "Parent" means a person who is a natural parent, adoptive parent, foster parent, stepparent of the minor or who acts in loco parentis for a minor.

I. "Private property" means any property, place or premises, whether occupied on a temporary or permanent basis, whether occupied as a dwelling, party or other social function, and whether owned, leased, rented or used with or without compensation, including but not limited to a home, yard, apartment, condominium, hotel or motel room, or other dwelling unit, or a hall or meeting room.

J. "Response costs" mean the costs associated with response by law enforcement or other emergency response providers to a gathering, including, but not limited to:

1. Salaries and benefits of law enforcement, or other emergency response personnel for the amount of time spent responding to, remaining at, or otherwise dealing with a gathering, including, but not limited to, the administrative cost associated with or attributed to such response;
2. The cost of any medical treatment for any law enforcement or other emergency response personnel injured responding to, remaining at, or leaving the scene of a gathering;
3. The cost of using any County equipment in responding to, remaining at, or leaving the scene of a gathering;
4. The cost of repairing any County equipment or property damaged during the course of any responding to, remaining at, or otherwise dealing with a gathering;
5. Any other costs related to enforcement of this chapter.

K. "Responsible person(s)" means a person or persons with a right of possession in the private property including, but not limited to:

1. An owner of the private property;
2. A tenant or lessee of the private property;
3. The person(s) in charge of the private property;
4. The person(s) who organizes, supervises, officiates, conducts or controls the gathering or any other person(s) accepting responsibility for such a gathering or, if such person is a minor, then the parent or guardian of such minor.

L. "Social host" means a person who knowingly hosts, permits or allows a gathering to take place on private property owned or controlled by the person and the person knows or reasonably should have know that the minor is consuming, or has consumed, an alcoholic beverage at such gathering. (SCC 1458 § 1, 2010.)

6.140.040 Consumption of Alcohol by Minor Prohibited in Place Not Open to Public.

Except as may be permitted by Federal or State law, it shall be unlawful for any minor to consume any alcoholic beverage at any place not open to the public, except as provided in Section 6.140.080. (SCC 1458 § 1, 2010.)

6.140.050 Hosting, Permitting or Allowing a Gathering Where Minors Are Consuming Alcoholic Beverages Is Prohibited.

A. It is unlawful for any responsible person to knowingly host, permit or allow a gathering on private property where at least one minor consumes one or more alcoholic beverages, or any portion thereof, whenever the person having control of the private property either knows, or reasonably should have known, that a minor has consumed an alcoholic beverage, or any portion thereof.

B. Any responsible person who knowingly hosts, permits or allows a gathering on private property at which a minor has consumed an alcoholic beverage, or any portion thereof, shall take all reasonable steps to prevent the consumption of alcoholic beverages by any minor at the gathering. Reasonable steps include, but are not limited to: (1) controlling access to alcoholic beverages at the gathering; (2) controlling the quantity of alcoholic beverages at the gathering; (3) verifying the age of persons attending the gathering by inspecting drivers' licenses or other government-issued identification cards to ensure that minors do not consume alcoholic beverages while at the gathering; and (4) supervising the activities of minors at the gathering. It is unlawful for a person to fail to take reasonable steps to prevent a minor from consuming an alcoholic beverage at a party that the person hosts or allows on private property that the person owns or controls.

C. This section shall not apply to any person who hosts a gathering who seeks assistance from law enforcement to remove any person who refuses to abide by the host's performance of duties imposed by this chapter, or to terminate the gathering because the host has been unable to prevent minors from consuming alcoholic beverages, despite having taken reasonable steps to do so, as long as such request is made before any other person makes a complaint about the gathering.

D. When law enforcement or other emergency response providers respond to a gathering at which a minor has consumed or is consuming alcoholic beverages, all responsible persons and/or social host(s) shall be jointly and severally liable for the County of Sacramento's response costs incurred pursuant to this chapter. (SCC 1458 § 1, 2010.)

6.140.060 Exemptions.

Sections 6.140.040 and 6.140.050 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. (SCC 1458 § 1, 2010.)

6.140.070 Dispersal of Gathering.

Any law enforcement officer or other emergency response provider who determines that a violation of Section 6.140.050 has occurred, shall have the authority to direct the responsible person(s) to immediately disperse the gathering, or if the officer is unable to identify immediately the responsible person(s), to command all those attending the gathering to disperse immediately. (SCC 1458 § 1, 2010.)

6.140.080 Prima Facie Evidence.

Whenever a responsible person(s) is present during a gathering when a minor consumes, or has consumed, any alcoholic beverage, it shall be prima facie evidence that the person knew or should have known that the minor was consuming, or had consumed, an alcoholic beverage at the gathering. (SCC 1458 § 1, 2010.)

6.140.090 Separate Violation for Each Incident.

Each incident in violation of Sections 6.140.040 and 6.140.050 shall constitute a separate offense. (SCC 1458 § 1, 2010.)

6.140.100 Violation.

A. Notwithstanding any other provision of this code to the contrary, violation of the provisions of this section shall constitute an infraction punishable pursuant to the provisions of Government Code Section 25132.

B. All remedies set forth in this chapter are cumulative and the use of one or more remedies shall not bar the use of any other remedy for the purpose of enforcing the provisions of this chapter. (SCC 1458 § 1, 2010.)

6.140.110 Enforcement Authority.

The Sheriff is authorized to administer and enforce this chapter. (SCC 1458 § 1, 2010.)

6.140.120 Response Costs.

A. A responsible person(s) shall be liable for response costs incurred when law enforcement or other emergency response providers respond to a gathering on private property where at least one minor has consumed or is consuming alcoholic beverages. The amount of response costs shall be deemed a debt owed to the County by the responsible person(s). Any person owing such costs shall be liable in a civil action brought in the name of the County for such fees, including reasonable attorney fees.

B. Notice of the response costs for which the responsible person(s) is liable shall be mailed via first-class mail. The notice shall contain the following information: the name of the person(s) being held liable for the payment of the response costs; the address of the private property where the gathering occurred; the date and time of the response; the law enforcement or emergency service provider(s) who responded; an itemized list of the response costs for which the person(s) is being held liable; and the appeal procedures.

C. Payment shall be remitted to the County of Sacramento within thirty (30) calendar days from the date such notice was mailed. The payment of any such costs shall be stayed upon the filing of a timely appeal.

D. The appeal procedures established relating to administrative civil penalties imposed for a violation of this chapter shall be applicable to the imposition of response costs. (SCC 1458 § 1, 2010.)

6.140.130 Administrative Civil Penalties.

As an alternative to punishment as an infraction, the Sheriff may assess an administrative monetary penalty pursuant to California Government Code Section 53069.4. Administrative penalties shall be assessed in accordance with the procedures set forth in this subsection. Unless otherwise stated, administrative monetary penalties shall be the maximum amounts specified in Government Code Section 25132.

A. Notice of Violation. When a violation of any of the provisions of this chapter is identified, the Sheriff shall issue a notice of violation to the responsible person(s). The notice shall contain the following information: (1) date, approximate time, and address or definite description of the location where the violation(s) occurred; (2) the code section violated and a description of the violation; (3) the amount of the monetary penalty for the violation(s); (4) an explanation of how the penalty shall be paid, the time period by which it shall be paid, and the place to which the penalty shall be paid; (5) identification of rights of appeal, including the time within which the notice may be contested and the place to obtain a notice of appeal and request for hearing form to contest the notice of violation; and (6) the name and signature of the citing officer and, if possible, the signature of the responsible person(s). A single notice of violation may charge a violation for the violation of one or more code sections.

B. Service of Notice of Violation. The Sheriff shall impart notice to the responsible person(s) of the violation in the following manner:

1. Personal Service. The Sheriff shall attempt to locate and personally serve the responsible person(s) and, if possible, obtain the signature of the responsible person(s) on the notice of violation. If the responsible person served refuses or fails to sign the notice, the failure or refusal to sign shall not affect the validity of the notice or of subsequent proceedings.

2. Mail. If, for any reason, the Sheriff is unable to personally serve the notice of violation on the responsible person(s), the notice shall be mailed to the responsible person(s) by certified mail, postage prepaid with a requested return receipt. Concurrently, the citation shall be sent by regular mail. Service by mail shall be sent to the responsible person(s)'s address as shown on public records or as known by the County. If the notice is sent by certified mail and returned unsigned, then service shall be deemed effective by regular mail, provided the notice sent by regular mail is not returned by the post office. Service by mail shall be effective on the date of mailing.

3. The failure of any responsible person(s) to receive any notice served in accordance with this section will not affect the validity of any proceedings taken under this chapter.

C. Satisfaction of Notice of Violation.

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1. Upon receipt of a notice of violation, the responsible person(s) must pay the administrative penalty to the Sheriff.
2. If a responsible person fails to pay the administrative penalty, the responsible person(s) shall pay the accrued penalty amount to the Sheriff.

D. Appeal.

1. Any recipient of a notice of violation may contest that there was a violation of this chapter, or that he or she is the responsible person(s) by completing a notice of appeal and request for hearing form and filing it with the Sheriff within fifteen (15) calendar days from the date of issuance of the notice, together with an advance deposit of the total amount of the monetary penalty. Any appeal of the notice of violation must include a detailed written explanation of the grounds for appeal.

2. Any penalty amount that has been deposited in advance shall be refunded if it is determined, after a hearing, that the person charged in the notice of violation was not responsible for the violation(s) or that there was no violation(s) as charged in the notice of violation.

3. The failure to submit a timely and complete request for hearing will terminate a person's right to contest the notice of violation and result in a failure to exhaust administrative remedies, and the order of the notice of violation will serve as a formal determination and conclusive evidence of the named responsible person(s)'s liability.

E. Hearing Officer. The County Hearing Officer shall conduct the administrative hearing.

F. Hearing Procedure. The following rules shall apply to the conduct of a hearing under this section:

1. No hearing to contest an administrative penalty before a hearing officer shall be held unless and until a notice of appeal and request for hearing form has been completed and timely filed, and the total amount of the penalty has been timely deposited in advance with the Sheriff;

2. The hearing before the hearing officer shall be set for a date that is not less than fifteen (15) and not more than sixty (60) calendar days from the date that the notice of appeal and request for hearing form is filed in accordance with the provisions of this section. The person requesting the hearing shall be notified of the time and place set for the hearing at least ten (10) calendar days prior to the date of the hearing;

3. The hearing officer shall only consider evidence relevant to whether the violation(s) occurred and whether the person filing the appeal is the responsible person;

4. The person contesting the administrative penalty shall be given the opportunity to testify and present witnesses and evidence concerning the alleged violation;

5. The failure of any recipient of a notice of violation to appear at the hearing or, in the alternative, to present written or demonstrative evidence shall constitute an admission of the violation by the recipient and an admission that the amount of the administrative penalty is appropriate as well as a failure to exhaust administrative remedies that may bar judicial review;

6. The notice of violation and any additional documents submitted by the Sheriff shall constitute prima facie evidence of the respective facts contained in those documents;

7. If the Sheriff submits an additional written report concerning the alleged violation to the hearing officer for consideration at the hearing, then a copy of this report also shall be served by first class mail on the person requesting the hearing at least five days prior to the date of the hearing;

8. At least ten (10) days prior to the date of the hearing, the recipient of a notice of violation shall be provided with copies of the notices, reports and other documents submitted or relied upon by the Sheriff. No other discovery is permitted. Formal rules of evidence shall not apply;

9. The hearing officer may continue the hearing and request additional information from the Sheriff or the recipient of the notice of violation prior to issuing a written decision;

10. The hearing officer is not required to provide transcripts of hearings, but is required to make available tapes of hearings for a fee.

G. Hearing Officer's Decision.

1. After considering all of the testimony and evidence submitted at the hearing, the hearing officer shall issue a written decision within ten (10) days of the date of the hearing to uphold or cancel the notice of violation and shall list in the decision the reasons for that decision. The decision of the hearing officer shall be final;

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2. If the hearing officer determines that the notice of violation should be upheld, then the Sheriff shall retain the penalty amount, including any fee that is the subject of the notice of violation, on deposit with the Sheriff;
 3. If the hearing officer determines there has been no violation and the penalty was deposited with the Sheriff, then the Director shall promptly refund the amount of the deposited penalty;
 4. The recipient of the notice of violation shall be served with a copy of the hearing officer's written decision.
- H. Right to Judicial Review. Any person aggrieved by the administrative decision of the hearing officer may obtain review of the administrative decision by filing a petition for review with the Sacramento County Superior Court in accordance with the timelines and provisions as set forth in California Government Code Section 53069.4. (SCC 1458 § 1, 2010.)

6.140.140 Failure to Pay Response Costs and/or Administrative Penalties.

- A. The failure of any person to timely pay either the response costs or the assessed administrative penalties constitutes a debt to the County and may result in the matter being referred to the Sacramento County Department of Revenue Recovery, which may file a claim with the small claims court or, in the alternative, utilize any means within its power to collect the amount owed. The County may pursue any other legal remedy to collect the administrative fines.
- B. Any person who fails to pay to the County any response costs or administrative penalty imposed pursuant to this chapter on or before the date such costs or penalty are due shall also be liable in any action brought by the County for all costs incurred in securing payment of the delinquent amount, including, but not limited to, administrative costs and attorneys' fees. Such collection costs are in addition to any required fees, penalties, interest and late charges.
- C. Notwithstanding all of the procedures set forth in this section, the Sheriff shall have the ability and discretion to enforce violations of this chapter, to impose necessary conditions, to forgive portions of a debt or penalty owed to the County under this chapter, and to coordinate collection and enforcement efforts with the Department of Revenue Recovery. (SCC 1458 § 1, 2010.)



Chapter 9.21
SOCIAL HOST LIABILITY AND PROHIBITION AGAINST UNDERAGE DRINKING

Sections:

- 9.21.002 Title.
- 9.21.004 Legislative findings.
- 9.21.006 Intent and purpose.
- 9.21.008 Definitions.
- 9.21.010 Consumption of alcohol by minor prohibited in public place, place open to public, or place not open to public.
- 9.21.012 Hosting, permitting, allowing a party, gathering or event where minors consume alcoholic beverages prohibited.
- 9.21.014 *Prima facie* evidence.
- 9.21.016 Separate violations for each incident.
- 9.21.018 Enforcement remedies.
- 9.21.020 Billing and collection.
- 9.21.022 Special fund.
- 9.21.024 Appeals.

9.21.002 Title.

This chapter shall be known as the "social host liability and prohibition against underage drinking." [Ord. 11-2009 §3, eff. 7-10-2009]

9.21.004 Legislative findings.

A. Minors often obtain, possess, or consume alcoholic beverages at gatherings held at private residences or other private property, places or premises, including rented commercial premises which are under the control of a person who knows or should know of the consumption of alcoholic beverages by minors, yet persons responsible for the occurrence of such gatherings often fail to take reasonable steps to prevent the consumption of alcoholic beverages by minors at these gatherings.

B. Consumption of alcoholic beverages by minors who are under the legal age to consume alcohol in the State of California is harmful to the minors themselves and poses an immediate threat to the public health, safety and welfare in that it increases alcohol abuse by minors and leads to physical altercations and violent crimes including rape and other sexual offenses, accidental injury, neighborhood vandalism, and excessive noise disturbance, all of which may require intervention by local law enforcement.

C. Law enforcement responses to gatherings involving consumption of alcoholic beverages by minors often require extensive resources to manage the incident. Further, when law enforcement personnel respond to gatherings involving the consumption of alcoholic beverages by minors it takes away valuable resources from other service calls in the community, thereby placing the community at increased risk. Law enforcement, fire and emergency response services are not currently reimbursed for the response costs when called to a property or gathering where minors obtain, possess, or consume alcoholic beverages.

D. The prohibitions found in this chapter are reasonable and expected to deter the consumption of alcoholic beverages by minors by holding responsible persons who know of, or should know of, the illegal conduct yet fail to stop or prevent it. In addition, the revenue received by the City of Elk Grove after cost reimbursement will be directed toward alcohol abuse and prevention education programs in the community. [Ord. 11-2009 §3, eff. 7-10-2009]

9.21.006 Intent and purpose.

The purposes of this chapter are:

- A. To protect public health, safety and general welfare;
- B. To enforce laws prohibiting the service to and consumption of alcoholic beverages by minors; and
- C. To reduce the costs of providing law enforcement, fire, and other emergency response services to premises where alcoholic beverages are served to or consumed by a minor, by holding the responsible person, social host and/or landowners responsible for the costs associated with providing law enforcement and other emergency response services. [Ord. 11-2009 §3, eff. 7-10-2009]

9.21.008 Definitions.

The definitions contained in this section shall govern the construction of this chapter.

- A. "Adult" is any person of or over the age of eighteen (18) years.
- B. "Alcohol" means ethyl alcohol, hydrated oxide of ethyl, or spirits of wine, from whatever source or by whatever process produced.
- C. "Alcoholic beverage(s)" includes any liquid or solid material intended to be ingested by a person which contains ethanol, also known as ethyl alcohol, drinking alcohol, or alcohol, including, but not limited to, alcoholic beverages as defined in Section 109 of the California Vehicle Code, intoxicating liquor, malt beverage, beer, wine, spirits, liqueur, whiskey, rum, vodka, cordials, gin, and brandy, and any mixture containing one (1) or more alcoholic beverages. Alcoholic beverage includes a mixture of one (1) or more alcoholic beverages whether found or ingested separately or as a mixture.
- D. "Family gathering" is a gathering where each minor present is supervised by his or her parent or legal guardian.
- E. "Gathering" is a party, gathering or event where a group of two (2) or more persons have assembled or are assembling for a social occasion or social activity.
- F. "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.
- G. "Minor" is any person under the age of twenty-one (21) years.
- H. "Juvenile" is any person under the age of eighteen (18) years.
- I. "Parent" is a person who is a natural parent, adoptive parent, foster parent, or step-parent of another person.
- J. "Property" means any residence or other private property, place or premises, including any commercial or business premises.
- K. "Response costs" are the costs associated with response by law enforcement, fire, or other emergency response providers to a gathering, including but not limited to:
 - 1. Salaries and benefits of law enforcement, community enhancement, 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 cost associated with or attributed to such response(s);

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2. The cost of any medical treatment for any law enforcement, community enhancement, 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;
4. Any other allowable costs related to enforcement of EGMC Sections 9.21.010 and 9.21.012.

L. "Responsible person" means a person or persons with a right of possession in the premises including, but not limited to:

1. An owner of the residence or other private property, place or premises, including any commercial or business premises;
2. A tenant or lessee of the residence or other private property, place or premises, including any commercial or business premises;
3. The landlord or property manager responsible for the property;
4. The person(s) in charge of the residence or other private property, place or premises, including commercial or business premises; and
5. The person(s) who organizes, supervises, officiates, conducts or controls the gathering or any other person(s) accepting responsibility for such a gathering.
6. If a responsible person or social host for the party or gathering is a juvenile, then the parents or guardians of that juvenile and the juvenile will be jointly and severally liable for the response costs incurred pursuant to this chapter. To incur liability for response costs imposed by this chapter, the responsible person or social host for the gathering must be aware of the gathering, but need not be present at such gathering which results in the imposition of response costs pursuant to this chapter.

M. "Social host" is a person who knowingly hosts, permits, or allows a gathering to take place where one (1) or more minors consume one (1) or more alcoholic beverages, or any portion thereof, on property owned or controlled by the person and the person knows or reasonably should have known that the minor is consuming or has consumed an alcoholic beverage. [Ord. 11-2009 §3, eff. 7-10-2009]

9.21.010 Consumption of alcohol by minor prohibited in public place, place open to public, or place not open to public.

Except as permitted by federal or state law, it is unlawful for any minor to consume any alcoholic beverage at any place not open to the public, unless that minor is being supervised by his or her own parent or legal guardian in connection with the consumption of the alcoholic beverages. [Ord. 11-2009 §3, eff. 7-10-2009]

9.21.012 Hosting, permitting, allowing a party, gathering or event where minors consume alcoholic beverages prohibited.

A. It is unlawful for any persons having control of any premises to knowingly host, permit or allow a gathering to take place at said premises where at least one (1) minor consumes one (1) or more alcoholic beverages, or any portion thereof, whenever the person having control of the premises either knows a minor is or has consumed an alcoholic beverage or reasonably should have known that a minor is or has consumed an alcoholic beverage had the person taken all reasonable steps to

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prevent the consumption of alcoholic beverages by a minor as set forth in subsection (B) of this section.

B. Any person having control of any premises, who knowingly hosts, permits or allows a gathering at said premises shall take all reasonable steps to prevent the consumption of alcoholic beverages by any minor at the gathering. Reasonable steps include, but are not limited to: 1) controlling access to alcoholic beverages at the gathering, 2) controlling the quantity of alcoholic beverages at the gathering, 3) verifying the age of persons attending the gathering by inspecting drivers' licenses or other government-issued identification cards to ensure minors do not consume alcoholic beverages while at the gathering, and 4) supervising the activities of minors at the gathering.

C. 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 or if the event is a family gathering. [Ord. 11-2009 §3, eff. 7-10-2009]

9.21.014 Prima facie evidence.

Whenever a responsible person and/or social host having control of the premises is present at the premises at the time that a minor obtains, possesses, or consumes any alcoholic beverage, it shall be *prima facie* evidence that such social host, regardless of age, knew or reasonably should have known, that the minor obtained, possessed, or consumed an alcoholic beverage at the gathering. [Ord. 11-2009 §3, eff. 7-10-2009]

9.21.016 Separate violations for each incident.

Each incident in violation of EGMC Sections 9.21.010 and 9.21.012 shall constitute a separate offense. [Ord. 11-2009 §3, eff. 7-10-2009]

9.21.018 Enforcement remedies.

This chapter shall be enforced as set forth in EGMC Chapter 1.04. [Ord. 11-2009 §3, eff. 7-10-2009]

9.21.020 Billing and collection.

A. The amount of response costs shall be deemed a debt owed to the City of Elk Grove by the reasonable person and/or social host. Any person owing such costs shall be liable in a civil action brought in the name of the City for recovery for such costs, including reasonable attorney fees.

B. Notice of the costs for which the responsible person is liable shall be mailed via first-class mail. The responsible person must remit payment of the noticed response costs to the City of Elk Grove within thirty (30) days of the date of the notice. The payment of any such costs shall be stayed upon the filing of a timely appeal pursuant to EGMC Section 9.21.024. The notice shall contain the following information:

1. The name of the person(s) being held liable for the payment of such costs;
2. The address of the private property or private premises where the gathering occurred;
3. The date and time of the response;
4. The law enforcement, fire, or emergency service provider(s) who responded;
5. An itemized list of the response costs for which the person(s) is being held liable.

C. The failure of any person to pay the penalties assessed by an administrative citation and/or response costs within the time specified on the administrative citation or response cost bill may result in the Chief of Police or his or her authorized designee referring the matter to the Finance Director or

other designated agent for collection. The City Attorney, Chief of Police or their designated agent(s) may pursue any other legal remedy to collect the penalties and/or response costs. [Ord. 11-2009 §3, eff. 7-10-2009]

9.21.022 Special fund.

A. There is hereby established a special fund for the purposes of receiving and expending civil penalties and response costs collected under this chapter. This special fund shall be known and designated as the "prevention of underage drinking fund."

B. Expenditure of Monies. The appropriation of all monies in the prevention of underage drinking fund shall be made exclusively for the purposes of the prevention of underage drinking within the City of Elk Grove, which shall include the enforcement of, education for, and prevention of underage drinking. Expenditures shall include, but not be limited to, purchase of equipment, consultant services, materials and supplies, or any other expenditure(s) related to the prevention of underage drinking within the City of Elk Grove. The administration of the fund shall conform to the code and all accounting principles practiced by the City.

C. Accumulation of Monies in the Fund. The balance remaining in the prevention of underage drinking fund at the close of a fiscal year shall be deemed to have been provided for a specialized purpose and shall be carried forward and accumulated in said fund for the purposes set forth herein. [Ord. 11-2009 §3, eff. 7-10-2009]

9.21.024 Appeals.

Any person who receives notice of imposition of response costs as set forth in EGMC Section 9.21.020 may appeal the imposition of these costs pursuant to EGMC Chapter 1.11. Failure to appeal shall constitute a waiver of any claims regarding the imposition or collection of these costs and shall also constitute a failure to exhaust administrative remedies. [Ord. 11-2009 §3, eff. 7-10-2009]

This page of the Elk Grove Municipal Code is current through Ordinance 20-2010, passed September 8, 2010.

Disclaimer: The City Clerk's Office has the official version of the Elk Grove Municipal Code. Users should contact the City Clerk's Office for ordinances passed subsequent to the ordinance cited above.

City Website: <http://www.elkgrovecity.org/>
 (<http://www.elkgrovecity.org/>)
 City Telephone: (916) 683-7111
 Code Publishing Company
 (<http://www.codepublishing.com/>)

Assembly Bill No. 2486

CHAPTER 154

An act to amend Section 1714 of the Civil Code, relating to social host liability.

[Approved by Governor August 18, 2010. Filed with
Secretary of State August 18, 2010.]

LEGISLATIVE COUNSEL'S DIGEST

AB 2486, Feuer. Social host liability: furnishing alcohol to underage persons.

Under existing law, a social host who furnishes alcoholic beverages to any person may not be held legally accountable for damages suffered by that person, or for injury to the person or property of, or death of, any 3rd person, resulting from the consumption of those beverages.

This bill would provide that these provisions do not preclude a claim against a parent, guardian, or another adult who knowingly furnishes alcoholic beverages at his or her residence to a person under 21 years of age and that furnishing the alcoholic beverages may be found to be the proximate cause of resulting injuries or death, as provided.

The people of the State of California do enact as follows:

SECTION 1. Section 1714 of the Civil Code is amended to read:

1714. (a) Everyone is responsible, not only for the result of his or her willful acts, but also for an injury occasioned to another by his or her want of ordinary care or skill in the management of his or her property or person, except so far as the latter has, willfully or by want of ordinary care, brought the injury upon himself or herself. The design, distribution, or marketing of firearms and ammunition is not exempt from the duty to use ordinary care and skill that is required by this section. The extent of liability in these cases is defined by the Title on Compensatory Relief.

(b) It is the intent of the Legislature to abrogate the holdings in cases such as *Vesely v. Sager* (1971) 5 Cal.3d 153, *Bernhard v. Harrah's Club* (1976) 16 Cal.3d 313, and *Coulter v. Superior Court* (1978) 21 Cal.3d 144 and to reinstate the prior judicial interpretation of this section as it relates to proximate cause for injuries incurred as a result of furnishing alcoholic beverages to an intoxicated person, namely that the furnishing of alcoholic beverages is not the proximate cause of injuries resulting from intoxication, but rather the consumption of alcoholic beverages is the proximate cause of injuries inflicted upon another by an intoxicated person.

(c) Except as provided in subdivision (d), no social host who furnishes alcoholic beverages to any person may be held legally accountable for damages suffered by that person, or for injury to the person or property of, or death of, any third person, resulting from the consumption of those beverages.

(d) Nothing in subdivision (c) shall preclude a claim against a parent, guardian, or another adult who knowingly furnishes alcoholic beverages at his or her residence to a person under 21 years of age, in which case, notwithstanding subdivision (b), the furnishing of the alcoholic beverage may be found to be the proximate cause of resulting injuries or death.

O

Sacramento Youth Commission



Social Host Ordinance Ad-hoc Report

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USA Today	

Introduction

In the fall of 2009 the Sacramento Youth Alcohol Coalition presented a Social Host Ordinance to the Sacramento Youth Commission. They had shocking statistics and stories associated with underage drinking. They discussed an ordinance which would help reduce underage drinking by aiding the Sacramento Police Department in their fight against underage drinking. After much research and careful consideration, the Sacramento Youth Commission decided to support this ordinance. We realized that there needed to be more policies around underage drinking because of the high amount of injuries and death related accidents involving alcohol. According to the National Highway Traffic Safety Administration, twenty-eight percent (28%) of 15- to 20-year-old drivers who were killed in motor vehicle crashes in 2005 had been drinking. We created an action plan to support the Social Host Ordinance in the City. This includes a list of key organization that we felt needed to be at the discussion table, the Sacramento Police Department was on that list. Another aspect of our action plan was to do research. In order to broaden our understanding we found news articles, press releases, and similar ordinances from other cities. While researching we administered a survey at a multitude of public and private schools through out the city to gain a better understanding on the youth perspective.

Background

The Social Host Ordinance hopes to strengthen existing laws to make sure that any host (adult, homeowner, or parent) who allows youth to consume alcoholic beverages is held accountable and fined. It does not change any existing laws. The Ordinance does not apply to a parent giving their own child alcohol under their supervision or if the consumption of alcohol is for religious purposes. In 2002, 32 states had established Social Host Ordinance. Many cities in California are adopting ordinance similar to the one being proposed in the City of Sacramento. A few of those cities include Elk Grove, Modesto, Oceanside, San Diego, and Ventura. These cities all recognized the fact that each day people are being killed because of alcohol. They realized that they might be able to decrease underage drinking by fining people who supported this illegal activity.

Each city's ordinance has been customized to fit the needs of the city. As written the proposed Sacramento Ordinance, would allow police officers on the scene to search the property for open alcohol or signs or drinking. If the officer did find open alcoholic beverages they could then cite the host of the party, whether that is a parent, house owner, or property rental tenant. A police office would only be able to check the house if they got a complaint about the property. This would not necessarily lead to more calls for service, but it would allow police officers to do more when they answer a call. The ordinance is meant to target large parties where large amounts of illegal drinking occurs.

Research/Findings

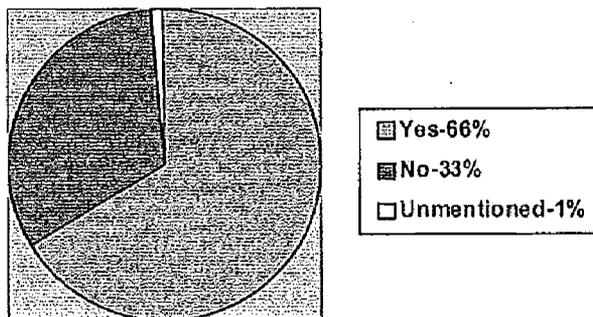
In the City of San Diego they adopted a social host ordinance in 2003. Not only have they seen a decrease on the amount police calls for complaints of noise and parties, they also been able to decrease the amount of costs related to those calls. San Diego was not the only city that adopted a social host ordinance. In the following years, 14 other cities in the San Diego County have adopted ordinances.

The whole county of Ventura has had 74 citations starting with the city Ojai in early 2006. Except for the rare repeat offender police are finding that they are not responding to the same houses.

Survey Findings

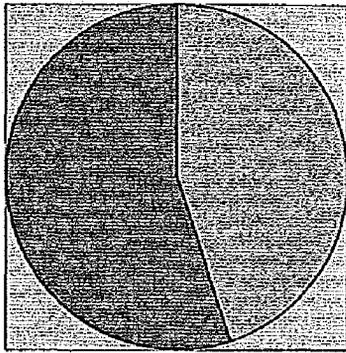
We surveyed over two hundred youth in Sacramento. Youth Commissioners took them out to their school, friends, and communities. The students we surveyed come from a variety socio-economic background. They were from both public and private schools, ranging in grades from ninth to twelfth.

1. Do you think that underage drinking is a problem?



It is first and foremost appropriate to establish if and what the problem is. With this question we can identify that underage drinking is seen as an issue by teens in the community. With 66% of Sacramento teen's surveyed identifying underage drinking as an issue something must be done.

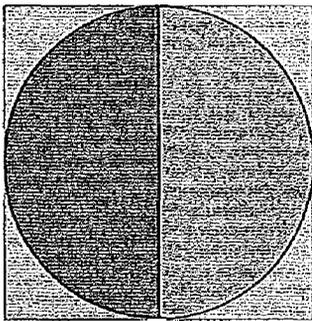
2. Has an adult ever given you alcohol at a party or other type of gathering?



Yes-45%
No-55%

The next step is to identify where the problem is originating from. With 45% of all Sacramento teens surveyed stating that they were given alcohol by an adult at a party or gathering, we can see a portion of the roots of this problem. It is equally important to know that 55% of teens are not getting alcohol at parties from adults. This raises more questions of were they getting it then?

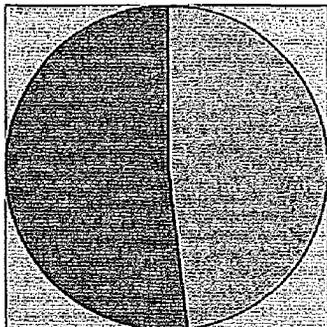
3. Do you have access to alcohol at home?



Yes-50%
No-50%

50% of all Sacramento teens surveyed said they have alcohol accessible at home. If the alcohol is easily accessible then it may be more likely to be abused. It also shows that if teens have alcohol accessible to them then parents or guardians should be more accountable if the alcohol is drunk because it's coming from their house.

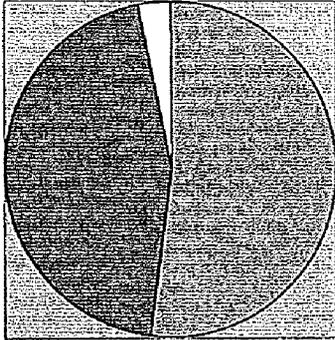
4. Has there been alcohol at most of the parties you have attended (not a family gathering)?



Yes-48%
No-52%

Although this is not a majority the bottom line is that 48% of high school students have alcohol at a majority of the parties they attend. That is a huge amount when you think about the tens of thousands of youth in Sacramento.

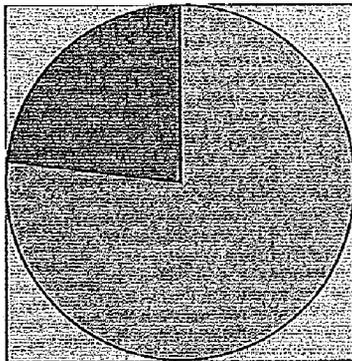
5. If you drink, maybe even once in awhile, are your parents aware of it?



Yes-52%
No-45%
Unmentioned-3%

This is very important. 52% of teens believe that their parents are aware of their child's illegal activity. This shows the culture of the society then when it comes to underage drinking laws. If this is so then we as a society are not doing a good job educating adults on laws. Laws have reason behind them. The social host ordinance will reinforce their reasoning.

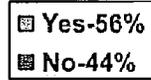
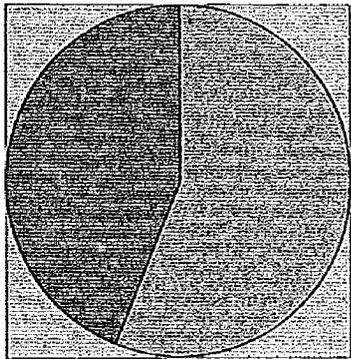
6. Would your parents be upset if they caught you drinking alcohol?



Yes-77%
No-23%

A huge amount of youth (77%) know that if their parents knew their child was drinking alcohol they would be upset.

7. Do you think a Social Host Ordinance is a good idea?



The fact that 56% of youth believe that a Social Host Ordinance is a good idea is surprising. Many people believe that youth do not know what is best for them and do whatever makes them look cool. The reality is that youth see the problem and believe that the Social Host Ordinance will help solve the problem.

Recommendations

Based on our research findings, the Sacramento City Youth Commission recommends the adoption of a Social Host Ordinance in the City of Sacramento for the following reasons:

1. The Social Host Ordinance deters adults from providing youth with alcohol thus reducing the amount of underage drinking in Sacramento.
2. It provides an incentive for hosts of parties to be vigilant against underage drinking.
3. Monies collected could be used toward outreach, education and prevention.

<http://www.vcstar.com/news/2007/dec/16/moorpark-may-increase-its-social-host-fine/>

Posted December 16, 2007 at midnight

Moorpark may increase its social host fine

Moorpark is poised to increase its social host fine from \$1,000 to \$2,500 per citation, making it one of the most expensive local cities in which to be caught having a party with underage drinkers.

Moorpark will soon join its neighbor Thousand Oaks in issuing the highest fines in Ventura County for parents or adults who violate the Social Host Ordinance. Adopted in all 10 cities in the county, the law is meant to stop parents from hosting such parties.

“The hope was to create fines that were so high that parents would be more vigilant in not allowing underage drinking in their homes,” said Capt. Jeff Matson, Moorpark's police chief.

The Moorpark City Council unanimously approved the fine increase on first reading Dec. 5. The second reading is in January, and the new fine would take effect in February.

Since implementing the Social Host Ordinance in late 2006, Moorpark has had three violations. The increase was proposed because one of those violations involved an appeal; an administrative process that cost the city \$3,500, although the parent ultimately paid the \$1,000 fine.

“This (new) amount should balance out the city's expenses for processing the social host violations,” Matson said.

“We usually cite only the most gross violators, the most obvious violations,” he said. “We get a lot of calls from the neighbors; we don't go around looking for these types of violations.”

The case that was appealed involved an incident at a New Year's Eve party with underage drinking. A partygoer was hit with a bat, and the police were called. A parent closed the door to the police when they knocked and was uncooperative, Matson said.

At the recent City Council meeting, Councilwoman Janice Parvin was in favor of increasing the first citation to \$3,000, rather than \$2,500. But Councilman Mark Van Dam asked Matson if a \$3,000 fine could lead to an increase in appeals, and the police chief said it would.

Cities set their own fines

In each city, fines are based on what the city council decides is appropriate; and citations vary from \$500 in Oxnard for a first-time offense, to up to \$5,000 for repeat violations in Thousand Oaks.

Since the ordinance was adopted last year, 17 citations have been issued in Thousand Oaks, but there were no repeat offenders.

Countywide, 74 citations have been given out since the ordinances were established, with Ojai being the first in early 2006. The numbers have been decreasing as time goes on, said one official.

"We're not responding, in general, to the same places" said Capt. Randy Pentis with the Ventura County Sheriff's Department. "This gets to the root of the problem, and that is the party host"

There were no hosts cited twice except in Oxnard, where police returned to the same house three times.

Oxnard starts at \$500 for a first violation and increases per citation, up to \$1,000.

But it is not just a police matter, it is a moral problem, say parents and city leaders.

According to surveys conducted by the Ventura County Behavioral Health Department from 2002 to 2004, nearly 78 percent of 18-year-olds and 73 percent of 19-year-olds convicted of driving under the influence were drinking at a private residence or house party before their arrest.

It's a problem addressed by an aggressive awareness campaign at the county level, which went to city leaders, educators and teens starting in 2006.

"Ventura County Limit, a program of the county Behavioral Health Department, focused on reducing underage and binge drinking. The younger the offenders, the more likely they were drinking at a private home," said Dan Hicks, the coordinator for the program. "This is a community partnership with people who can actually change the culture of underage drinking," Hicks said.

County leading the trend

Ventura County is the only county in the country to see every one of its cities adopt the social host ordinance.

The county was recently recognized as a national model by the Office of Juvenile Justice and Delinquency Prevention, a part of the U.S. Justice Department.

One expert in sociology said it is unfortunate the police have to monitor parents. "I dislike having to legislate behavior," said James Elias, professor of sociology at CSU Northridge. "The responsibility should always be on the parents."

Elias, who specializes in criminology at the university, said he would like to see statewide legislation of the ordinance, since that's where the drinking age is decided. That would provide for a more uniform way to handle the violations, rather than having such a spectrum of fees across different cities.

"It will probably take a while to broaden, then refocus, the legislation. In the beginning, there are always discrepancies."

If teens party in Mission Viejo, it could cost parents

2008-05-08 03:00:00

MISSION VIEJO - Simone Booth never expected a brick to fly through her bedroom window.

She thought the family-oriented neighborhood she and her husband chose was the ideal place to raise their young daughter.

That dream was shattered when four college students moved in next door and turned the five-bedroom house into one of the city's most frequented party houses. After three months of raucous parties, underage drinking complaints by neighbors and neighborhood property destruction - the party was over.

Deputies arrested the four for disturbing the peace and arrested a woman with a warrant for prostitution.

Now city officials hope a new law could crash these out-of-control parties. The City Council on Monday voted 5-0 to start work on a law making parents responsible for underage drinking. Proposed by Mayor Trish Kelley, the Social Host Underage Drinking Ordinance would hold adults accountable for teen drinking and could result in possible \$1,000 fines.

If the ordinance is enacted, Mission Viejo would be the first in Orange County to do so. The law is already on the books in 24 California cities and four counties. In a Register online survey, 71 percent of 3,391 respondents believe adults should be fined if teens drink in their homes.

"It's a health and safety concern not only for teens but for the whole community," said Kelley, who has spoken to concerned parents and neighbors tired of the popular party houses. "The problem of underage drinking and drug use is on the rise and it does happen at these parties."

In Mammoth Lakes - a popular ski resort - the ordinance has been in effect for about a year. Frequent snowboarder and ski groups - many underage and from Orange County - party in their families' second homes or in rented condos. If any adults are found facilitating a location for minors, not only are they cited but also billed for any police and emergency response. Support in town was driven by the school district as well as Mono County's Drug and Alcohol Program.

"Away from school we don't have a lot for the kids to do," said Mammoth Police Sgt. Karen Smart. "On an average weekend we do have a lot of high school kids involved in drinking and partying. The ski area employs a lot of 18 to 23-year-olds. At a lot of these parties you tend to get high school kids mixing in. This is a new tool for us to look for a responsible adult."

In Ojai, Ventura County Sheriff's Capt. Bruce Norris says the ordinance, established two years ago, has cut down on underage drinking and crimes associated with it. Fines of \$1,000 have been recovered from 10 people in Ojai and 24 more people have been cited in Ventura County.

"Every impact we have is great even if it's to save one victim," he said. "There's a lot of disrespect that goes on at these underage parties. Lots of sexual assaults happen with young females. We want to stop the victimization."

Critics say there are already state laws dealing with this. Proponents say state law addresses furnishing alcohol, the social host ordinance targets providing a venue.

Mission Viejo City Councilman Lance MacLean wonders if it could backfire. At Monday's City Council meeting he recounted an event in which his own son had a party while he and his wife were away for the weekend.

"My 18-year-old son had a few friends over and then my house filled with 150 kids," said MacLean. "I'd be doubly upset if I was paying a fine on a party I didn't host."

Since May 2007 Mission Viejo deputies have responded to reports of 1,325 loud parties. A good percentage of these have involved teens, said Sheriff's Lt. Steve Bernardi, chief of police services for the city. In 2007 there were 18 crashes where underage drivers were arrested for driving while intoxicated. Ten people were injured and in 11 cases juveniles told deputies they had been drinking at a party, a friend's house or at home.

Tips on the "hot weekend party" are often posted on networking sites like MySpace and others. News spreads by word of mouth and fliers, too

School officials acknowledge the problem and discipline students caught drinking or using drugs on campus and at school events. At Trabuco Hills High - one of the city's four high schools - students caught with alcohol are suspended for five days and face expulsion.

"I'm sure it happens at a lot of private homes with adults present," said Assistant Principal Paul LaBlanc. "That is something we cannot control. There are students out there who drink but it's out of the school's jurisdiction."

Nancy Leonard, a mother of a high school sophomore in Fullerton, calls teen drinking an epidemic.

Leonard says many of the parties her daughter has attended included alcohol. It's either provided by the parents, brought in by students or both. Even if parents don't supply alcohol, they look the other way when kids bring it in.

"Even though I call every parent who is hosting a party and receive assurances that alcohol will not be served, somehow alcohol shows up," she said. "Once, my daughter told me that she opened a cooler at a party and found it stocked with beer."

Many teens say it's more normal to drink than not.

"On the weekends it's more like, 'Whose house are we going to drink at?'" said Maria Hernandez, a junior at Mission Viejo High. "It usually happens at open parties where parents are gone. Mostly kids get alcohol from their homes or from kids with fake IDs. I don't think it's the parents' responsibility if they're on a business trip and the kid has a party. The kid knows the consequences of their action."

But John Meyers, a senior at Mission Viejo High, supports the new law. He is a member of Santiago De Compostela Church's youth ministry Friday Night Live, which works to deter alcohol abuse.

He recounts an incident last year where a varsity track athlete got alcohol poisoning.

"It made me realize that just because someone is in varsity sports or honors classes doesn't mean they're not affected by alcohol," said Meyers, 17. "Teens accept alcohol because they think everyone does it. I believe adults have the authority to tell underage kids what is better for them and how they should make their choices."

www.MADD.org

Social Host

[Facts About Underage Drinking](#) | [Underage Drinking Parties](#) | [Liability](#) | [Parent Tips](#) | [FAQs](#)

What is Social Host?

Social Host refers to adults who knowingly or unknowingly host underage drinking parties on property that they own, lease or otherwise control. Through social host liability laws, adults can be held responsible for these parties, regardless of who furnishes the alcohol.

Teen parties are the primary setting for underage drinking for high school and college students – and a high consumption of alcohol and binge drinking. Ranches “where no one will know,” lake houses “where no one will care” and fields “where it just doesn’t matter” are all popular locations for teenage drinking parties. However, the most common setting for drinking among high school seniors is simply someone else’s home.

Holding Adults Responsible

Mothers Against Drunk Driving (MADD) believes that underage drinking is not just a youth problem. It is also very much an adult problem. With adults who purchase alcohol for those under age 21; look the other way when teens talk about their drinking exploits; and host teenage drinking parties in their homes, many communities struggle to prevent underage drinking.

Holding adults responsible for underage drinking parties is a pro-active step for concerned communities but can be difficult. Law enforcement officials are typically not able to determine who provided the alcohol when they arrive on the scene of a teenage drinking party. Therefore, laws that prohibit furnishing alcohol to youth under 21 years old can be hard to enforce.

Social host ordinances give communities a practical tool for holding adults accountable. These laws allow law enforcement to cite the individual who hosted the underage drinking party on their property. More than 150 cities or counties and 24 states have adopted social host ordinances.

Benefits of Educating Communities About Social Host

- Deterring adults and youth under age 21 from hosting parties where underage drinking is occurring
- Increasing the awareness of underage drinking parties and providing an incentive for hosts to be vigilant for underage consumption of alcohol
- Encouraging parents to take steps to prevent teenage drinking parties while they are away
- Holding underage youth partially accountable for underage drinking parties planned without the knowledge of their parents
- Recovering the costs for law enforcement of repeatedly responding to the same party site
- Officially establishing a community’s “zero-tolerance” policy for underage drinking

Take Action

To more actively prevent underage drinking and help save more lives, MADD encourages communities to become familiar with social host ordinances to prevent underage drinking. Learn more about how your community can get involved with social host.

<http://www.epi.umn.edu/alcohol/policy/hostliab.shtml>

What is social host liability and how does it work?

- Under social host liability laws, adults who serve or provide alcohol to minors or persons who are obviously intoxicated can be held liable if the person who was provided alcohol is killed or injured, or kills or injures another person.
- In some states, social host liability is covered under dram shop law. Dram shop liability refers to a drinking establishment's potential financial liability for serving alcohol to an intoxicated or underage person who later causes injury to a third party. However, dram shop law normally only covers commercial service and not private parties.
- Note that social host laws vary from state-to-state. Some state laws may only target those who provide to underage youth vs. intoxicated persons.

Why social host liability is important

- Surveys of youth show that the most common sources of alcohol are the young person's own home or from persons over the age of 21 who purchase alcohol for them. (1, 2) Social host liability laws may deter parents and other adults from hosting underage parties and purchasing/providing alcohol for underage youth. (3)
- Some adults believe underage drinking is just part of growing up and therefore think it is acceptable to give alcohol to underage people. Social host liability laws send a clear message to adults that providing alcohol to underage youth is not acceptable.
- **Many people do not realize that it may be illegal in their state to serve or provide alcohol to obviously intoxicated persons.** Social host liability laws may act as a strong deterrent if providers believe that they will be sued if injury or death occurs as a result of the provision of alcohol to an obviously intoxicated person. (3)
- Without social house liability laws, it can be difficult to enforce laws against adults who provide alcohol to underage youth or intoxicated persons. Social host liability laws may act as a strong deterrent if providers believe that they will be sued if injury or death occurs as a result of the provision of alcohol to an underage or intoxicated person. (3)
- Research shows social host liability laws are effective. In an analysis of all 50 states, social host laws were associated with reductions in drinking-driving and heavy drinking. (3)

Considerations for passing this law in your state

ISSUE: Some states have Supreme Court decisions that bar suits by third parties where the alcohol was served by social hosts. (3, 4)

RESPONSE: If a state has a case history of decisions barring third party suits of social hosts, then activists should consider sponsoring legislation to provide for third party liability for social hosts who serve underage persons.

ISSUE: Parents may oppose such legislation, arguing that it is unfair to prosecute parents for providing alcohol to their own children.

RESPONSE: In most states, under social host liability laws, parents cannot be sued for legally serving alcohol to their own children- parents can only be sued for serving children other than their own. In addition, a national survey showed that 83% of adults are in favor of laws that impose fines on adults who provide alcohol to underage persons. (5)

ISSUE: Parents may also oppose such a law because it may seem unfair to prosecute parents who do not give their children permission to have parties in their home.

RESPONSE: Social liability laws usually apply to parents who fail to take adequate precautions to prevent underage drinking on their property can be held liable for negligence. Some laws only hold those adults responsible who "knowingly" allow underage drinking parties in their home.

(3)

Considerations for implementation

Enforcement: It may be difficult to enforce a law against hosts who provide alcohol to underage or intoxicated persons unless the person is caught destroying property or causing injury to themselves or others. It is important to take steps to identify and intervene in situations where people may be providing alcohol to youth or intoxicated persons. For example, police can routinely patrol alcohol outlets to prevent the transfer of alcohol from adults to underage persons outside of these establishments, and flyers can be distributed at liquor stores that educate purchasers about the legal liability for providing alcohol to youth or intoxicated individuals.

Social host liability and the larger context

Social host liability cannot by itself eliminate youth's access to alcohol or provision of alcohol to intoxicated persons. Although some providers may be deterred by the threat of civil or criminal liability, other alcohol control policies such as keg registration can help identify those who provide alcohol to youth and intoxicated individuals.

What other states have done:

As of 2002, 32 states in the U.S had social host liability laws in place (www.madd.org). In states that do not have host liability laws, cities and communities have passed social host liability ordinances. For example, in 2004, 18 cities in San Diego County in California passed social host ordinances.

A tragic event in St. Paul, Minnesota on New Year's Eve 1997 led to increased social host liability in Minnesota. A 16-year-old boy, Kevin Brockway, died in a car crash after attending a friend's party where he drank alcohol provided by the host's father. A local coalition, Minnesota Join Together, effectively used this tragedy as an opportunity to increase public and legislative awareness of the need for greater criminal and civil penalties for social providers. The coalition used funds from a state incentive grant for a large media campaign around the social host issue. On May 24, 1999 the governor of Minnesota signed into law the "Brockway bill" that extended felony prosecution beyond sellers to include anyone who barter, furnishes or gives alcoholic beverages to a person under 21 years of age who becomes intoxicated and as a result causes or suffers death or great bodily harm. Media attention around this bill kept legislative and public attention on the social host problem, and on April 19, 2000 the governor signed another bill that extends civil liability to adult social providers for damages caused as a result of intoxication by underage youth. (6)

http://www.usatoday.com/news/nation/2007-01-04-teen-drinking-inside_x.htm

Laws crash underage drinking parties

Posted 1/4/2007 11:12 PM ET



By John Ritter, USA TODAY

OJAI, Calif. — Tony Barrett and his wife were enjoying a getaway weekend when police called to report they'd broken up an underage drinking party at the couple's home here. Their daughter Shannon, legally an adult but at 19 too young to drink, was cited for hosting the party and was

fined \$1,000.

Barrett, who grew up in this art- and music-loving city of 8,000, wasn't happy with his daughter — "the house was trashed and stunk like beer and cigarettes for a week" — but was even angrier at Ojai's "social host" ordinance that gave police the authority to bust the party.

"She called three friends, and before an hour was up, 100 people were here," Barrett says. "I told the police she was a hostage, not a host. I'm still not paying the fine, because I didn't do anything."

Authorities here and in a growing number of cities and counties say their ability to enforce "social host" ordinances to curb such parties, held with or without parents' knowledge, is a key tactic in the battle against underage drinking and its potentially tragic consequences.

"We don't want to send parents to jail," says Stacy Saetta, a lawyer with the Center for the Study of Law and Enforcement Policy in Felton, Calif. "We want to get parents to change their behavior when kids want to throw a party."

A catalyst for action

Underage drinking costs the nation at least \$53 billion a year, mostly because of traffic deaths and violent crime, according to a 2003 report by the National Research Council's Institute of Medicine. The report, which urged communities to hold adults accountable for teen drinking parties, was a catalyst for many recent ordinances, Saetta says.

Ojai, the picturesque setting for Shangri-La in the 1937 Frank Capra film *Lost Horizon*, is one of seven cities in Ventura County that passed social host ordinances last year after the county did. In one three-month period in 2004, police in the Ojai Valley, an affluent enclave north of Los Angeles, responded to nearly 300 parties involving underage drinking, according to sheriff's statistics.

"We had overdose deaths. We had prescription-drug use after hazardous drinking. We had parties where gang members showed up and beat the hell out of people. Close to 70% of the sexual assaults on young women were coming out of home parties," says Dan Hicks, administrator of Ventura County Limits, an initiative to curb underage binge drinking.

"It was like the big elephant in the living room: People thought there was nothing we could do about it," he says.

Social host ordinances give police a tool beyond standard disturbing-the-peace laws. Typically these ordinances call for civil fines, thus avoiding the courts and the higher burden of proof required under criminal laws.

Ordinances give police discretion to target repeat offenders or the most egregious bashes. Most permit officers to cite a host if they identify a handful of underage drinkers among dozens of partiers. Fines range from less than \$500 to \$2,500 and more. "The whole purpose is to make the community aware," says Sgt. Pat Ruby of the Ventura County sheriff's station here. "But this won't

have an effect on a lot of people unless it hits them in the pocketbook."

Ojai's laid-back image may be part of the problem, Ruby says. "There's not a whole lot for kids to do up here, and a lot of them look at parties as a release," he says. Violent crime is relatively rare in Ojai. The city hasn't had a murder in years. Its gang problem is small enough that police know all the players.

Social host ordinances have been used 20 times around the county to shut down parties in the past year, Hicks says. Ten of those incidents were in Ojai, and Ruby was involved in seven of them.

There was the 19-year-old who got nailed twice while his parents were vacationing in Hawaii. Police responded the first time to a report of a fistfight. Cars lined both sides of a street. Maybe 75 people were milling around a yard, at least 80% of them underage. Beer was everywhere, Ruby says. The host was cited and fined.

A week before the 19-year-old's parents were to return, he hosted another party and was cited again. "You'd think he'd learn the first time. He didn't," Ruby says. "The parents weren't happy."

Party trouble

Another time, officers drove by a party of 25 or so people and found a young man with a severe gash in his leg from falling on a beer bottle. An investigation identified underage drinkers.

Once a father hosted a party — "he was well aware the kids were drinking," Ruby says — and police responding to a noise complaint found a young man lying in a driveway where his friends had left him. He had to have his stomach pumped, Ruby says.

A 49-year-old man hosted a small Halloween party for his daughter that got large and out of hand. He was reluctant to step in. "He didn't want to embarrass his daughter. It's a common thing," Capt. Bruce Norris says.

Though most underage drinking parties occur in the summer, there's a feeling among police, not yet backed up by data, that they've declined as word of these crackdowns spread. "So it seems to be working," Norris says.

On a recent Saturday night, Ruby patrolled the city and outlying areas, but the party scene was quiet.

The next night, New Year's Eve, officers in nearby Moorpark had bottles thrown at them as they dispersed 75 people at a party hosted by the mother of an 18-year-old. "She admitted providing alcohol to his friends, and she knew some of the minors were under 21," Capt. Jeff Matson says.

He says her rationale is common among some parents: "If my son is going to drink, it's OK if I provide it at home."

Tony Barrett thinks the city's enforcement is excessive.

"This is all punitive, but they could turn it into a positive," Barrett says. "I told them you have a perfect chance to help these kids, because it's the same core group that go to all these parties. It fell on deaf ears."

City of San Diego, California | Higher Education Center for Alcohol a... <http://www.higheredcenter.org/prevention/examples/city-san-diego-ca...>

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ED.gov

Diego County-Poway-that adopted such an ordinance was prompted primarily by concerns about parents who provide alcohol at parties for their children and their friends. However, it became clear quickly that such a policy approach also could be very helpful in reducing problems associated with large parties drawing up to 500 college students, many of whom are under age.

These parties pose a great risk to young people because of the number of drinkers involved and the large quantities of alcohol consumed. Adverse consequences of these parties can be alcohol poisoning, traffic crashes, property damage, sexual assault, and other alcohol-fueled crime and violence. They also lead to other dangerous, risk-taking behaviors such as dangerous drinking, thefts, and unprotected consensual sex. In addition to the problems such parties pose to the health and safety of students, they also contribute to neighborhood disruption, such as noise violations, litter, vandalism, and other quality of life infractions. They also take a toll on law enforcement personnel who are called to respond to unruly parties.

In 2002, the San Diego County Policy Panel on Youth Access to Alcohol convened its second College Presidents' Forum co-hosted by Dr. Stephen Weber, President, San Diego State University and Augustine Gallego, Chancellor, San Diego Community College District. The forum of educational leaders, political leaders, law enforcement, business, and media was organized to discuss alcohol problems among college students and to identify campus-community strategies to prevent high-risk and underage drinking. The presidents and public health and safety officials overwhelmingly supported the use of local municipal codes to control private parties, including social host liability, as a top priority for public policies to reduce alcohol-related problems among college students.

Larry Barnett, Chief of Police at University of San Diego and chair of San Diego's Collegiate Alcohol Research and Prevention Initiative College Law Enforcement Task Force, says that the most important role that law enforcement played in getting the social host ordinance passed was demonstrating the need for this tool by showing what the reality is on the streets of San Diego. "Neighborhood groups would come to us complaining about these large parties. They wanted to know what could be done about the parties and how they could work with law enforcement to control these potentially dangerous situations."

Brian Maienschein, who represents the fifth district on the San Diego City

Council and sponsored the ordinance; said: "There is a misconception that it is okay to host parties where minors are drinking alcohol." Law enforcement personnel spend time and money responding to house party calls.

According to a City of San Diego report to the Committee on Public Safety and Neighborhood Services, delivered February 27, 2003, the San Diego police department answered 7,519 of these calls in 2001, at a cost of more than \$298,000.

The San Diego City Council passed the social host ordinance on April 21, 2003, which took effect 30 days after ratification.

Interactions with Community Organizations

According to an issue briefing by San Diego's Institute for Public Strategies, interest in policies to reduce underage access grew starting in Spring 2000 among many community sectors. The San Diego Policy Panel on Youth Access to Alcohol formed a Social Availability Committee to examine policy options. Data on youth alcohol access were collected from local high schools in Poway, where community forums helped organize a response to underage drinking at house parties. High profile law enforcement efforts later that year and in 2001 brought more attention to illegal providers of alcohol. Links between community prevention advocates, law enforcement, and elected officials were strengthened further when the Policy Panel hosted a legislative forum that focused on social availability issues. With guidance from the North Inland Community Prevention Project, Poway City Council member Jay Goldby introduced the county's first social host ordinance in the fall of 2002. After the ordinance was passed, members of the Social Availability Committee followed up with San Diego City Council member Brian Malenschein, who in the spring of 2003 led a successful effort to adopt a more stringent social host law in the county's largest municipality.

The San Diego County Board of Supervisors soon began considering a similar law for the county's unincorporated areas. Chairman Greg Cox and Supervisor Dianne Jacob sponsored the measure that went into effect in August of 2003. To date, 14 cities in San Diego County have passed similar ordinances.

Getting the City of San Diego to pass a social host ordinance took the combined efforts of a number of San Diego agencies and groups, including the following:

- San Diego Police Department

- San Diego City Attorneys Office
- San Diego Policy Panel on Youth Access to Alcohol
- Department of Emergency Medical Services
- North Inland Community Prevention Program
- San Dieguito Alliance
- Institute for Public Strategies
- Tri-City Prevention Collaborative
- North Rural Prevention Program
- Poway City Council
- Mothers Against Drunk Driving
- San Diego County Council on Alcohol Policy (SanDCCAP)
- San Diego County College Presidents' Forum
- San Diego County Law Enforcement Task Force on Underage Drinking

Obstacles

The major obstacle to passing such ordinances is getting community support for the use of policy measures to reduce problems. Proponents used a combination of media advocacy and community organizing to engage community support for these ordinances. In addition, policy proponents used data to illustrate public concern for the problems of underage access. A poll released by the Institute for Public Strategies (March 2002), found that more than 86 percent of San Diego County residents rate underage drinking as a serious concern, and a majority (55 percent) consider it to be a serious problem.

Evaluation

When comparing the months of April through December in both 2002 and 2003 (after the ordinance passed) there was an 11.5 percent decrease in police calls for service for noise and parties.

Institution Characteristics:

Location: San Diego, California

Enrollment:

Governance: Campus-Community Coalition

Setting: Community