

**ORDINANCE NO. 232**

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY, CALIFORNIA, ADDING CHAPTER 6.10 TO TITLE 6 OF THE TOWN OF YUCCA VALLEY MUNICIPAL CODE, IMPOSING LIABILITY ON SOCIAL HOSTS WHO ALLOW MINORS TO OBTAIN, POSSESS, OR CONSUME ALCOHOLIC BEVERAGES AND/OR ILLEGAL SUBSTANCES AT GATHERINGS**

The Town Council of the Town of Yucca Valley, California, ("Town") does ordain as follows:

**SECTION 1. CODE AMENDED.** Title 6, of the Town of Yucca Valley Municipal Code ("Municipal Code") is hereby amended to create Chapter 6.10, establishing Social Host regulations as follows:

**"CHAPTER 6.10. SOCIAL HOST ORDINANCE CONCERNING CONSUMPTION OF ALCOHOLIC BEVERAGES AND/OR ILLEGAL SUBSTANCES BY MINORS.**

**Sections:**

- 6.10.010 Findings.
- 6.10.020 Definitions.
- 6.10.030 Prohibitions.
- 6.10.040 Protected Activities.
- 6.10.050 Violation for Each Incident.
- 6.10.060 Enforcement Authority.
- 6.10.070 Enforcement Remedies and Penalties are Cumulative and Discretionary; Not Exclusive.
- 6.10.080 Criminal Penalties and Citations.
- 6.10.090 Civil Penalties.
- 6.10.100 Administrative Citations.
- 6.10.110 Severability.
- 6.10.120 Local Authority.

**6.10.010 FINDINGS.**

The Town Council of the Town of Yucca Valley makes the following findings concerning minors' consumption of alcoholic beverages and/or illegal substances:

Minors often obtain, possess or consume alcoholic beverages or illegal substances at gatherings held on private property under the control of a person who knows or should know of the conduct but fails to stop it.

Underage consumption of alcoholic beverages and use of illegal substances pose an immediate threat to the public health, safety and welfare in that such activities are known to increase alcohol and drug abuse by minors, physical altercations, 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 response personnel.

Law enforcement and other emergency personnel responses to disturbances involving underage consumption of alcoholic beverages and use of illegal substances at gatherings frequently require the use of extensive resources. Further, when these personnel respond to such disturbances, it limits their ability to respond to other service calls in the community, thereby placing the community at increased risk. Law enforcement and other emergency personnel are not currently reimbursed for their expenses when called to disturbances involving underage consumption of alcoholic beverages and/or illegal substances at gatherings.

The prohibitions found in this chapter are reasonable and expected to deter consumption of alcoholic beverages and illegal substances by minors by holding persons responsible who encourage, and are aware of or should be aware of, the illegal consumption of alcoholic beverages and the use of illegal substances by minors, but fail to take reasonable steps to prevent it.

#### **6.10.020 DEFINITIONS.**

The following definitions shall apply to this chapter:

"Alcoholic Beverage." Alcohol, spirits, liquor, wine, beer, and every liquid or solid containing alcohol, spirits, wine, or beer, and which contains one-half of 1 percent or more of alcohol by volume and which is fit or used for beverage purposes either alone or when diluted, mixed, or combined with other substances.

"Enforcement Services." The actual amount of time spent by law enforcement, code enforcement, fire or other emergency response personnel in responding to, or in remaining at, or returning from a gathering at which a minor obtains, possesses or uses alcoholic beverages and/or illegal substances including, but not limited to, the salaries and benefits of these personnel, the actual cost of medical treatment incurred by these personnel, administrative costs attributable to the incident, the cost of repairing or replacing any damaged Town property, and any other allowable costs related to the enforcement of this chapter.

"Gathering." A party, event or other group of two or more persons who have assembled or are assembling for a social occasion or other activity on private property.

"Illegal Substances" means a drug or substance whose possession and use are regulated under the Controlled Substances Act, Title II of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (Pub.L. 91-513, 84 Stat. 1236, enacted October 27, 1970, codified at 21 U.S.C. § 801 *et. seq.*) Such term does not include any drug or substance for which the individual found to have consumed such substance has a valid prescription issued by a licensed medical practitioner authorized to issue such a prescription.

"Juvenile." Any person under the age of eighteen years.

"Legal Guardian." A person who is legally vested with the power and charged with the duty of taking care of a juvenile.

"Minor." Any person under the age of 21 years.

"Parent." Any person who is a natural parent, an adoptive parent, a foster parent, a step-parent, or who acts in loco parentis for a juvenile.

"Private Property." A private residence, where one actually lives or has his or her home, or any other privately-owned land, including vacant land or any appurtenances or structures on the land, in the incorporated area of the Town.

"Social Host." Any of the following:

- a) The person or persons who owns, rents, or is otherwise in charge of private property where a gathering takes place where one or more minors consume one or more alcoholic beverages and/or illegal substances;
- b) The person or persons authorizing the use of private property for a gathering where one or more minors consume one or more alcoholic beverages and/or illegal substances;  
or
- c) The person or persons who organized a gathering where one or more minors consume one or more alcoholic beverages and/or illegal substances.

#### **6.10.030 PROHIBITIONS.**

It is the duty of a social host who knowingly hosts, permits, or allows a gathering on the property to take all reasonable steps to prevent

the consumption of alcoholic beverages and illegal substances by any minor at the gathering. Reasonable steps include, but are not limited to, (i) controlling access to alcoholic beverages and illegal substances, (ii) controlling the quantity of alcoholic beverages and illegal substances present at the gathering, (iii) verifying the age of each person attending the gathering by inspecting each person's driver's license or other government-issued identification card and (iv) supervising the activities of minors at the gathering.

No social host shall allow a gathering to take place or continue on his/her private property if a minor at the gathering obtains, possesses, or consumes any alcoholic beverage and the social host knows or reasonably should know, that the minor has obtained, possesses, or is consuming alcoholic beverages and/or illegal substances at the gathering.

No social host shall allow a gathering to take place or continue on his/her private property if a minor at the gathering obtains, possesses, or consumes any alcoholic beverage, when the social host has not taken all reasonable steps to prevent the consumption of alcoholic beverages and the use of illegal substances by any minor at the gathering.

**6.10.040 PROTECTED ACTIVITIES.**

This chapter shall not apply to any person who provides an alcoholic beverage to a minor as permitted by Article 1, Section 4, of the California Constitution.

**6.10.050 SEPARATE VIOLATIONS FOR EACH INCIDENT.**

Each incident in violation of Section 6.10.030 shall constitute a separate offense and shall be punishable or actionable as set forth in this chapter.

**6.10.060 ENFORCEMENT AUTHORITY.**

The Town Attorney and the San Bernardino County Sheriff are authorized to administer and enforce the provisions of this chapter. The Town Attorney and the San Bernardino Sheriff may exercise any enforcement powers provided by law.

**6.10.070 ENFORCEMENT REMEDIES AND PENALTIES ARE CUMULATIVE AND DISCRETIONARY; NOT EXCLUSIVE.**

All remedies and penalties provided for in this chapter shall be cumulative and discretionary, and not exclusive, in accordance with this section.

**6.10.080 CRIMINAL PENALTIES & CITATIONS.**

Any person who violates Section 6.10.030 of this chapter is guilty of a misdemeanor and shall be punished in the same manner as provided by in chapter 1.02 of the Town of Yucca Valley Municipal Code.

Criminal citations shall be issued in the same manner and under the same authority as provided by chapter 1.02 of this code except as otherwise specified in this chapter.

**6.10.090 CIVIL PENALTIES.**

Pursuant to California Civil Code section 1714.1, any act of willful misconduct of a juvenile that results in injury or death to another person or in injury to the property of another shall be imputed to the parent or legal guardian having custody and control of the juvenile for all purposes of civil damages, and the parent or legal guardian having custody and control shall be jointly and severally liable with the juvenile for any damages resulting from the willful misconduct.

When a person(s) responsible for a gathering is a juvenile, the parents or legal guardian(s) of that juvenile shall be jointly and severally liable for the costs incurred for enforcement services pursuant to this chapter.

A social host shall be liable for the cost of providing enforcement services in response to a gathering in which a minor(s) has obtained, possessed, or consumed alcoholic beverages or used illegal substances. Such costs include the Town's reasonable attorneys' fees in the event of litigation.

All violations of this chapter may be subject to enforcement through the initiation of a civil action.

**6.10.100 ADMINISTRATIVE CITATIONS.**

As an alternative to the criminal or civil enforcement of this chapter, all violations of this chapter may be subject to enforcement through the use of administrative citations in accordance with California Government Code section 53069.4 and in the same manner and under the same authority as provided at chapter 1.04 of the Town of Yucca Valley Municipal Code.

**6.10.110 SEVERABILITY.**

If any provision of this chapter or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this chapter that can be given effect without the invalid

provision or application, and to this end the provisions of this chapter are severable.

**6.10.120 LOCAL AUTHORITY.**

No provision within this chapter shall apply where prohibited or preempted by state or federal law."

**SECTION 2. EFFECTIVE DATE.** This ordinance shall take effect thirty (30) days from the date of adoption.

**SECTION 3. NOTICE OF ADOPTION.** Within fifteen (15) days after the adoption hereof, the Town Clerk shall certify to the adoption of this ordinance and cause it to be published once in a newspaper of general circulation printed and published in the County and circulated in the Town, pursuant to section 36933 of the Government Code.

APPROVED AND ADOPTED by the Town Council and signed by the Mayor and attested by the Town Clerk this 4<sup>th</sup> day of October, 2011.

/s/ George W. Huntington  
MAYOR

ATTEST:

APPROVED AS TO FORM &  
CONTENT

/s/ Janet M. Anderson  
TOWN CLERK

/s/ Lona Laymon  
TOWN ATTORNEY

STATE OF CALIFORNIA

COUNTY OF SAN BERNARDINO

TOWN OF YUCCA VALLEY

I, Janet M. Anderson, Town Clerk of the Town of Yucca Valley, California hereby certify that the foregoing Ordinance No. 232 as duly and regularly introduced at a meeting of the Town Council on the 20<sup>th</sup> day of September, 2011, and that thereafter the

said ordinance was duly and regularly adopted at a meeting of the Town Council on the 4<sup>th</sup> day of October, 2011, by the following vote, to wit:

Ayes: Council Members Abel, Rowe, and Mayor Huntington

Noes: None

Abstain: None

Absent: Council Member Hagerman and Lombardo

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the Town of Yucca Valley, California, this 4<sup>th</sup> day of October, 2011.

(SEAL)

/s/ Janet M. Anderson, MMC  
Town Clerk of the Town of  
Yucca Valley