

CHAPTER 9.42**CONSUMPTION OF ALCOHOL BY MINORS**
(Ordinance 2003-14)**9.42.010 Definitions**

The words and phrases used in this Chapter have the meanings set forth in this Section.

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

‘Alcoholic beverage’ has the same meaning as that set forth in the California Business and Professions Code Section 23004.

‘Enforcement Services’ includes the salaries and benefits of police officers or other code enforcement personnel for the amount of time actually spent in responding to, or in remaining at, the party, gathering, or event and the administrative costs attributable to the incident; the actual cost of any medical treatment to injured police officers or other code enforcement personnel; the cost of repairing any damaged city equipment or property; and, the cost arising from the use of any damaged city equipment in responding to or remaining at the party, gathering, or event.

‘Guardian’ means: (1) a person, who under court order, is the guardian of a person of minority age; or (2) a public or private agency with whom a minor has been placed by the court.

‘Minor’ means any person under twenty-one years of age.

‘Parent’ means a person who is a natural parent, adoptive parent or step parent of another person.

‘Party, gathering, or event’ means a group of persons who have assembled or are assembling for a social occasion or social activity.

9.42.020 Consumption of Alcohol by Minor Prohibited in Public Place, Place Open to Public, or Place Not Open to Public

Except as permitted by state law, it is unlawful for any minor to:

(a) consume at any public place or any place open to the public any alcoholic beverage; or

(b) consume at any place not open to the public any alcoholic beverage, unless in connection with the consumption of the alcoholic beverage that minor is being supervised by his or her parent or legal guardian.

9.42.030 Hosting, Allowing a Party, Gathering, or Event Where Minors Consuming Alcoholic Beverages Prohibited

(a) Except as permitted by Article 1, Section 4, of the California Constitution, it is unlawful for any person to allow or host a party, gathering, or event at his or her place of residence or other private property, place, or premises under his or her control where three or more minors are present and alcoholic beverages are being consumed by any minor.

(b) This section does not apply to conduct involving the use of alcoholic beverages (i.e. religious rituals) which occurs exclusively between a minor child and his or her parent or legal guardian.

(c) This section does not apply to any location or place regulated by the California Department of Alcoholic Beverage Control.

9.42.040 Reservation of Legal Options

The City of Encinitas does not waive its right to seek reimbursement for actual costs of enforcement services associated with the enforcement of this Chapter through other legal remedies or procedures. The procedures provided for in this Chapter are in addition to any other statute, ordinance, or law. Sections 9.42.020 and 9.42.030 in no way limit the authority of peace officers or private citizens to make arrests for any criminal offense arising out of conduct regulated by those same sections, nor do they limit in any way the prosecution's ability to initiate and prosecute a criminal prosecution for any violation of a criminal offense arising out of the same circumstances necessitating the application of those same sections.

9.42.050 Violation – Penalties

Any person, firm or corporation violating any of the provisions of this Chapter shall be guilty of a misdemeanor punishable to the fullest extent of the law up to and including a \$1,000 fine and/or six months in jail.”