

---

## Poway Municipal Code Title 9 Public Peace, Morals & Welfare

### Chapter 9.54 House Parties

#### 9.54.010 Purpose and intent.

The City Council finds and determines that youth often obtain alcoholic beverages or possess and use drugs at parties held at private residences or at rented residential and commercial premises, which are under the control of a person who knows or should know of the illegal conduct and fails to stop it. The City Council further finds and determines that persons who will be held responsible for abetting or tolerating such conduct will be more likely to properly supervise or stop such parties on property under their control. It is the purpose of this chapter to impose criminal liability on persons who control the property on which such parties occur who fail to properly supervise or stop them. It is the further purpose of this chapter to impose civil liability for the recovery of the costs of enforcement services and to provide for the recovery of reasonable attorney's fees in the event of litigation. (Ord. 600 § 1, 2004; Ord. 566 § 2, 2002)

#### 9.54.020 Definitions.

Terms used in this chapter shall have the meaning given to them by State law except as expressly provided herein.

A. "Adult" shall mean a person who is 21 years of age or older.

B. "Control" shall mean any form of dominion including ownership, tenancy, or other possessory right.

C. "House party" shall mean a social gathering at a residence or premises.

D. "Residence or premises" shall mean a hotel or motel room, home, yard, apartment, condominium, or other dwelling unit, or a hall or meeting room, whether occupied on a temporary or permanent basis, whether occupied as a dwelling or for a party or other social function, and whether owned, leased, rented, or used with or without compensation.

E. "Enforcement services" shall mean 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 house party, and the administrative costs attributable to the incident; the actual cost of any medical treatment to injured police officers or other code enforcement personnel; and 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 house party.

F. "Minor" shall mean a person who is less than 21 years of age.

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

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.

#### 9.54.040 Hosting, permitting, 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 permit, 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 shall not apply to conduct involving the use of alcoholic beverages, which occurs exclusively between a minor child and his or her parent or legal guardian.

C. This section shall not apply to any location or place regulated by the California Department of Alcohol and Beverage Control.

**9.54.050 Protected activities.**

The provisions of this chapter shall not apply to legally protected religious activities or gatherings of family members with not more than two non-family members.

**9.54.060 Criminal penalties.**

Violations of this chapter may be charged as either an infraction or a misdemeanor in accordance with Chapter [1.08](#) PMC.

**9.54.070 Civil liability for enforcement services.**

When a house party prohibited by PMC [9.54.030](#) occurs and a police officer or code enforcement officer is called to the scene, the person(s) having control of the residence or premises shall be liable for the cost of providing enforcement services during the second or follow up response by the police, after a first warning to the person(s) having such control. If the person having control is a minor, then the parents or legal guardians of that minor shall be jointly and severally liable for the costs incurred for said enforcement services. (Ord. 600 § 5, 2004; Ord. 566 § 2, 2002)

**9.54.080 Reimbursement for cost of enforcement services.**

The actual cost of enforcement services described in PMC [9.54.070](#) shall be deemed a debt owed to the City recoverable in a civil action, and shall be recoverable in a civil action, including reasonable attorney fees and costs. (Ord. 566 § 2, 2002)

**9.54.090 Reservation of legal options.**

The City of Poway does not waive its right to seek reimbursement for actual costs of enforcement services through other legal remedies or procedures. The procedure provided for in this chapter is in addition to any other statute, ordinance or law, civil or criminal. This chapter in no way limits the authority of peace officers or private citizens to make arrests for any criminal offense arising out of conduct regulated by this chapter. (Ord. 566 § 2, 2002)

---