

ORDINANCE NO. 9791 (N.S)

AN ORDINANCE AMENDING SECTIONS OF THE SAN DIEGO COUNTY REGULATORY CODE RELATING TO THE SOCIAL HOST ORDINANCE CONCERNING CONSUMPTION OF ALCOHOLIC BEVERAGES BY MINORS

The Board of Supervisors of the County of San Diego ordains as follows:

Section 1. The Board of Supervisors finds and determines that there is a need to amend the County Regulatory Code as described below. The amendments made by this ordinance are intended to strengthen the existing provisions of the "Social Host Ordinance."

Section 2. Section 32.1501 of the San Diego County Regulatory Code is hereby amended to read as follows:

SEC. 32.1501. FINDINGS AND INTENT

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

(c) Law enforcement responses to disturbances involving underage consumption of alcoholic beverages at private parties frequently require the use of extensive resources. Further, when law enforcement personnel respond to disturbances at private parties it limits their ability to respond to other service calls in the community, thereby placing the community at increased risk. Law enforcement is not currently reimbursed for their expenses when called to a private party.

(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 encourage, are aware of, or should be aware of, the illegal conduct yet fail to prevent it. In addition, the revenue received by the County after cost reimbursement will be directed toward alcohol abuse and prevention education programs in the community.

Section 3. Section 32.1502 of the San Diego County Regulatory Code is hereby amended to read as follows:

SEC. 32.1502. DEFINITIONS

(k) A "social host" is a person who permits a party where one or more minors consume one or more alcoholic beverages on property owned or controlled by the persons.

Section 4. Section 32.1503 of the San Diego County Regulatory Code is hereby amended to read as follows:

### SEC. 32.1503. PROHIBITION

No person who owns or controls private property shall allow a party to take place or continue on such private property if a minor at the party obtains, possesses, or consumes any alcoholic beverage and the person knows or reasonably should know, by taking all reasonable steps to prevent alcoholic beverage consumption by the minor as described in subdivision (b) of this section, that the minor has obtained, possesses, or is consuming alcoholic beverages at the party.

(b) It is the duty of any person having control of any private property, who knowingly hosts, permits or allows a gathering on the property to 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, (i) controlling access to alcoholic beverages, (ii) controlling the quantity of alcoholic beverages, (iii) verifying the age of persons at the gathering by inspecting drivers' licenses or other government-issued identification cards, and (iv) supervising the activities of minors at the gathering.

Section 5. Section 32.1504 of the San Diego County Regulatory Code is hereby amended to read as follows:

### SEC. 32.1504. PRIMA FACIE EVIDENCE

Whenever a person having control of the residence or premises is present at that residence or premises at the time that a minor obtains, possesses, or consumes any alcoholic beverage, it shall be prima facie evidence that such person had the knowledge or should have had the knowledge, that the minor obtained, possessed, or consumed an alcoholic beverage at the party.

Section 6. Section 32.1508 of the San Diego County Regulatory Code is hereby amended to read as follows:

### SEC. 32.1508. ENFORCEMENT REMEDIES

(a) Any person who violates section 32.1503 of this Chapter is guilty of a misdemeanor.

(b) Any person who sells, furnishes, gives, or causes to be sold, furnished, or given away, any alcoholic beverage to a minor is guilty of a misdemeanor.

(c) Any person who violates subdivision (a), above, by purchasing an alcoholic beverage for a minor and the minor thereafter consumes the alcohol and thereby proximately causes great bodily injury or death to himself, herself, or any other person, is guilty of a misdemeanor.

(d) Any person who violates subdivision (a) by furnishing an alcoholic beverage, or causing an alcoholic beverage to be furnished, to a minor shall be punished by a fine of one thousand dollars (\$1,000), no part of which shall be suspended, and the person shall be required to perform not less than 24 hours of community service during hours when the person is not employed and is not attending school.

(e) Any person who violates subdivision (b) shall be punished by imprisonment in a county jail for a minimum term of six months not to exceed one year, by a fine not exceeding one thousand dollars (\$1,000), or by both imprisonment and fine.

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

(g) A social host who serves alcoholic beverages to a minor guest may be held liable for injuries sustained by third parties, including County law enforcement personnel, as a result of the minor guest's negligence.

(h) A social host shall be liable for the cost of providing enforcement services in response to a party in which minors have obtained, possessed, or consumed alcoholic beverages. Such costs include reasonable attorneys' fees in the event of litigation.

Section 7. This ordinance shall take effect and be in force thirty days after its passage, and before the expiration of fifteen days after its passage, a summary hereof shall be published once with the names of the members of the Board voting for and against it in the San Diego Commerce, a newspaper of general circulation published in the County of San Diego.

PASSED, APPROVED AND ADOPTED this 25<sup>th</sup> day of July 2006