

Lemon Grove Municipal Code Title 9 Public, Peace, Morals & Welfare

Chapter 9.49 CONSUMPTION OF ALCOHOLIC BEVERAGES BY MINORS

9.49.010 Definitions.

The words and phrases used in this chapter have the meanings set forth in this section.

“Alcohol beverage” has the same meaning as that set forth in Section 9.48.010 of this code.

“Enforcement services” includes the salaries and benefits of law enforcement 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 law enforcement 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:

- A. A person, who under court order, is the guardian of a person of minority age; or
- B. 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 two or more persons who have assembled or are assembling for a social occasion or social activity. (Ord. 326 § 1 (part), 2003)

9.49.020 Consumption of alcoholic beverage 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.

9.49.030 Hosting, or 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 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 Beverages Control.

9.49.040 Reservation of legal options.

The city 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 9.49.020 and 9.49.030 of this chapter 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.

9.49.050 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 one thousand dollar fine and six months in jail.