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CHAPTER 9.33
SOCIAL HOST ACCOUNTABILITY
Ord. No. 557-AC

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Sec. 9.33.010. Title.

This Chapter shall be known and may be cited as the “Social Host Accountability Ordinance.”

Sec. 9.33.020. Purpose and Intent.

The purpose of this Chapter is to deter the consumption of alcohol or alcoholic beverage(s) by minors. This Chapter is intended to enhance the general peace, safety, and welfare of the residents of the City of Needles. This Chapter is further intended to promote the reduction of underage drinking by imposing an administrative fine on persons responsible for gatherings where such alcohol or alcoholic beverage(s) are consumed by minor(s). The Chapter is further intended to facilitate the enforcement of laws prohibiting the consumption of alcohol or alcoholic beverage(s) by minors.

Sec. 9.33.030. Definitions.

The words and phrases used in this Chapter have the meanings as set forth below:

(a) “Alcohol” means and includes ethyl alcohol, hydrated oxide of ethyl, or spirits of wine, from whatever source or by whatever process produced.

(b) “Alcoholic beverage” means and includes alcohol, spirits, liquor, wine, beer, and every liquid or solid containing alcohol, spirits, liquor, wine or beer, and which contains one-half of one percent or more of alcohol by volume and which is fit for beverage purposes either alone or when diluted, mixed, or combined with other substances.

(c) “Gathering” shall mean an assembly of two or more persons for any purpose, unless all of the individuals attending the gathering are members of the same household or immediate family.

(d) “Minor” means any person less than twenty-one years of age.

(e) “Person responsible or responsible person” shall mean a person(s) with a right of possession or control of the property or premises on which a minor consumes alcohol or alcoholic beverage(s), including, but not limited to, an owner or tenant of the property if the gathering is on private property, or a permittee, if the gathering is a permitted gathering on public property, or any person(s) accepting responsibility for such a

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gathering. Person responsible or responsible person shall additionally include the person or persons who has/have authorized the use of the property/premises for the gather; and/or the person or persons who has or have organized the gather or who were or are responsible therefor. Responsible person shall not include any governmental entity.

Sec. 9.33.040. Consumption of Alcohol or Alcoholic Beverage(s) by Minors at Gatherings Prohibited.

Except as otherwise permitted by law, particularly Article 1 Section 4 of the California Constitution, it is unlawful and a violation of this Chapter for any responsible person to suffer, permit, allow, or host a gathering where a minor consumes alcohol or alcoholic beverage(s) on public or private property, place or premises under his or her control. Any and all responsible persons shall be jointly and severally liable for any violation of this Chapter. If the person responsible is a minor, the parents or guardians of that minor shall be jointly and severally liable for any violation of this Chapter.

Sec. 9.33.050. Exceptions.

This Chapter shall not apply to any of the following:

(a) Conduct involving the service or consumption of alcohol or alcoholic beverages, which occurs exclusively between a minor and his or her parent or legal guardian.

(b) Consumption of alcohol or alcoholic beverage(s) during the course of a recognized religious ceremony.

(c) Any location or place regulated by the California Department of Alcohol and Beverage Control.

Sec. 9.33.060. First Warning.

The City shall issue a first warning to the responsible person upon a response to a gathering where minor are consuming alcohol or alcoholic beverage(s) and the responsible person is under 18 years of age. The city is not required to issue a first warning to any responsible person aged 18 years or over.

Sec. 9.33.070. Administrative Citation.

(a) Administrative Citation. The City may immediately issue a citation for the violation of Chapter 9.33 upon evidence of the violation. The City shall give notice of a violation of this Chapter by issuing a citation to any and all responsible persons identified by the City within 30 days of the violation. The citation shall also give notice of the right to request an administrative hearing to challenge the validity of the citation and the time for requesting that hearing.

(b) Administrative Citation Procedures. Any person from whom a fine is demanded by the City shall have the right to appeal the imposition of such fine to the City according to the procedures established by the City for appealing the abatement of public nuisances. In the event of any conflict between the provisions of this Chapter and Section 14-30, the provisions of this Chapter shall govern.

(c) Fines Applicable to Responsible Person. The administrative citation fines shall be as follows for the responsible person:

(1) A fine in the amount of five hundred dollars (\$500) for a first violation;

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(2) A fine in the amount of seven hundred fifty dollars (\$750) for a second violation within six months of the first violation;

(3) A fine in the amount of one thousand (\$1,000) for a third violation within six months of the first violation; and

(4) A fine in the amount of one thousand five hundred dollars (\$1,500) for a fourth and any subsequent violations within six months of the first violation.

(d) Assessment of Penalties. The fines assessed pursuant to this Chapter shall be deemed a debt owed to the City by the responsible person. Any person owing such costs shall be liable in a civil action brought in the name of the City for recovery for such fees, including reasonable attorney fees. The responsible person must remit payment of the fines to the City within thirty (30) days of the date of the citation. The payment of any such fines shall be stayed upon a timely appeal made pursuant to Section 9.33.070(b).

Sec. 9.33.080. Cumulative Remedies.

The remedies provided under this Chapter are cumulative and shall not restrict the City's ability to pursue any other remedy to which it is entitled under law or equity. Nothing in this Chapter shall be deemed to preclude the imposition of any criminal penalty, nor shall anything in this Chapter be deemed to conflict with any penalty or provision under state law, or prohibit any conduct authorized by the state or federal constitutions.