

ORDINANCE NO. 10608 (N.S.)

AN ORDINANCE AMENDING SECTIONS OF THE SAN DIEGO COUNTY CODE OF REGULATORY ORDINANCES RELATING TO THE SOCIAL HOST LIABILITY FOR CONSUMPTION OF ALCOHOLIC BEVERAGES AND/OR MARIJUANA BY MINORS

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

Title 3 Public Safety, Morals and Welfare, Division 2, Chapter 3 Social Host Liability for Consumption of Alcoholic Beverages by Minors is hereby amended to read in its entirety as follows:

CHAPTER 3. SOCIAL HOST LIABILITY FOR CONSUMPTION OF ALCOHOLIC BEVERAGES AND/OR MARIJUANA BY MINORS*

SEC. 32.301. FINDINGS AND INTENT.

The Board of Supervisors makes the following findings concerning minors' consumption of alcoholic beverages and/or marijuana:

- (a) Minors often obtain, possess or consume alcoholic beverages or marijuana at parties held on private property under the control of a person who knows or should know of the conduct but fails to stop it.
- (b) Underage consumption of alcoholic beverages and marijuana pose an immediate threat to the public health, safety and welfare in that it increases substance abuse by minors, physical altercations, violent crimes including rape and other sexual offenses, accidental injury, neighborhood vandalism and excessive noise disturbance, all of which may require intervention by local law enforcement.
- (c) Law enforcement responses to disturbances involving underage consumption of alcoholic beverages and/or marijuana 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 its expenses when called to a private party.
- (d) The prohibitions found in this chapter are reasonable and expected to deter consumption of alcoholic beverages and/or marijuana by minors by holding persons responsible who encourage, are aware of or should be aware of the illegal consumption of alcoholic beverages or marijuana by minors, but fail to prevent it. In addition, it is the intent of this chapter that the revenue the County receives from enforcement of this chapter after cost reimbursement will be directed toward substance abuse and prevention education programs in the community.

SEC. 32.302. DEFINITIONS.

The following definitions shall apply to this chapter:

- (a) "Alcoholic beverage" has the same meaning as the term "alcoholic beverage" in Business and Professions Code section 23004.
- (b) "Marijuana" has the same meaning as the term "Cannabis" in Health and Safety Code section 11018.
- (c) "Enforcement services" means the actual amount of time spent by law enforcement personnel in responding to, or in remaining at, a party, gathering or event at which a minor obtains, possesses or uses alcoholic beverages or marijuana including, but not limited to, the salaries and benefits of these personnel, the actual cost of medical treatment incurred by these personnel, administrative costs attributable to the incident, the cost of repairing or replacing any damaged County property, and any other allowable costs related to the enforcement of this chapter.
- (d) "Family gathering" means a gathering where each minor present is supervised by the minor's parent or legal guardian.
- (e) "Legal guardian" means a person who is legally vested with the power and charged with the duty of taking care of a minor.
- (f) "Minor" means any person under the age of 21 years.
- (g) "Parent" means any person who is a natural parent, an adoptive parent or a foster parent.
- (h) "Party" means a gathering or event at which a group assembles for a social occasion or activity on private property.
- (i) "Private property" means any privately-owned land or building in the unincorporated area of the County and includes vacant land as well as residential, commercial, business or farm property.

SEC. 32.303. PREVENTING MINORS FROM CONSUMING ALCOHOLIC BEVERAGES AND/OR MARIJUANA ON PRIVATE PROPERTY.

- (a) A person who owns or has control of private property and knowingly hosts or allows a party on the property shall take all reasonable steps to prevent the consumption of alcoholic beverages and/or marijuana by any minor at the party. Reasonable steps include, but are not limited to: (1) controlling access to alcoholic beverages and/or marijuana, (2) verifying the age of each person attending the party by inspecting each person's driver's license or other government-issued identification card and (3) supervising the activities of minors at the party. It is unlawful for a person to fail to take reasonable steps to prevent a minor from consuming an alcoholic beverage or marijuana at a party the person hosts or allows on private property the person owns or controls.

(b) It is unlawful for any person who owns or has control of private property to knowingly host or allow a party on the property to continue when the person knows, or reasonably should know, if the person had taken all reasonable steps as required in subsection (a) above, that a minor has obtained, possesses or is consuming an alcoholic beverage or marijuana.

(c) This section shall not apply to a parent or legal guardian who provides an alcoholic beverage at a family gathering to a minor under the parent or legal guardian's care or to any person who provides an alcoholic beverage to a minor as part of a legally protected religious activity.

(d) This section shall not apply to a minor obtaining, possessing, or consuming marijuana for medical purposes if authorized under State law.

SEC. 32.304. PRIMA FACIE EVIDENCE.

Whenever a person having control of private property is present at that property during a party when a minor obtains, possesses or consumes any alcoholic beverage or marijuana, it shall be prima facie evidence that the person knew or should have known that the minor obtained, possessed or consumed an alcoholic beverage or marijuana at the party.

SEC. 32.305. SEPARATE VIOLATION FOR EACH INCIDENT.

Each incident in violation of section 32.303 shall constitute a separate offense.

SEC. 32.306. ENFORCEMENT AUTHORITY.


The District Attorney and the Sheriff are authorized to administer and enforce this chapter. The District Attorney and the Sheriff may exercise any enforcement powers provided by law to enforce this chapter.

SEC. 32.307. ENFORCEMENT REMEDIES.

In addition to being subject to criminal prosecution for violating State law and section 32.303 a person who violates section 32.303 shall also be liable to the County for any enforcement services the County incurs as a result of the violation.

APPROVED AS TO FORM AND LEGALITY
COUNTY COUNSEL
BY: Mark Day, Senior Deputy

PASSED, APPROVED, AND ADOPTED by the Board of Supervisors of the County of San Diego this 21st day of May, 2019.



DIANNE JACOB
Chairwoman, Board of Supervisors
County of San Diego, State of California

The above Ordinance was adopted by the following vote:

AYES: Cox, Jacob, Gaspar, Fletcher, Desmond

ATTEST my hand and the seal of the Board of Supervisors this 21st day of May, 2019.

ANDREW POTTER
Clerk of the Board of Supervisors

By 

Teresa Zurita, Deputy



Ordinance No.: 10608 (N.S.)
05/21/19 (06)