(O-2003-114)

ORDINANCE NUMBER O-_____19172_____ (NEW SERIES)

ADOPTED ON __MAY 0 6 2003__

AN ORDINANCE AMENDING CHAPTER 5, ARTICLE 6, OF THE
SAN DIEGO MUNICIPAL CODE BY ADDING SECTIONS 56.60,
56.61, 56.62, AND 56.63 RELATING TO PROHIBITIONS
AGAINST CONSUMPTION OF ALCOHOLIC BEVERAGES BY
MINORS AND ALLOWING OR HOSTING GATHERINGS
WHERE MINORS ARE CONSUMING ALCOHOLIC BEVERAGES

WHEREAS, the City of San Diego (the "Council") finds that unsupervised parties on private

property where alcohol is consumed by minors is harmful to the minors themselves and to the

communities where such parties are held; and

WHEREAS, police ability to abate gatherings where alcohol is consumed by minors on

private property will result in a decrease in abuse of alcohol by minors, physical altercations and

injuries, neighborhood vandalism, and excessive noise disturbance thereby improving public safety;

and

WHEREAS, problems associated with such gatherings are difficult to resolve unless the

Police Department has the legal authority to direct the host to dispense the group; and

WHEREAS, control of large parties, gatherings or events on private property where minors

are consuming alcohol is necessary when such activity is determined to be a threat to the peace,

health, safety, or general welfare of the public; and

WHEREAS, police officers frequently have been required to make calls to a location of a

party, gathering, or event in order to dispense uncooperative participants, causing a drain of

manpower and resources and in some cases, leaving other areas of the City with inadequate police

protection; and

WHEREAS, the City Council of the City of San Diego finds and declares that the purpose of this ordinance is:

(1)   to protect public health, safety and general welfare;

(2)   to enforce laws prohibiting the consumption of alcohol by minors; and

(3)   to reduce the costs of providing Police services to parties, gatherings, or events requiring a response by requiring party hosts to ensure minors are not consuming alcoholic beverages; NOW, THEREFORE,

BE IT ORDAINED, by the Council of the City of San Diego, as follows:

Section 1.   That Chapter 5, Article 6, of the San Diego Municipal Code be and is hereby amended by adding sections 56.60, 56.61, 56.62, and 56.63 to read as follows:

§56.60   Definitions

Defined words appear in italics in Sections 56.60, 56.61, 56.62 and 56.63.

The words and phrases used in Sections 56.60, 56.61, 56.62, 56.63, and 56.64 have the meanings set forth in this Section.

"*Alcohol*" means ethyl alcohol, hydrated oxide of ethyl, or spirits of wine, from whatever source or by whatever process produced.

"*Alcoholic beverage*" has the same meaning as used in Section 56.54.

"*Enforcement Services*" includes 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 party, gathering, or event and the administrative costs attributable to the incident; the actual cost of any medical treatment to injured police officers or other code enforcement personnel; the cost of repairing any damaged City equipment or property; and, the cost

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arising from the use of any damaged City equipment in responding to or

remaining at the party, gathering, or event.

"*Guardian*" has the same meaning as used in Section 58.01.01.

"*Minor*" means any person under twenty-one years of age.

"*Parent*" has the same meaning as used in Section 58.01.01.

"*Party, gathering, or event*" means a group of persons who have

assembled or are assembling for a social occasion or social activity.

§ 56. 61   **Consumption of Alcohol 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*.

§56.62   **Hosting, 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

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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 Beverage Control.

§56.63   **Reservation of Legal Options**

The City of San Diego does not waive its right to seek reimbursement

for actual costs of *enforcement services* associated with the

enforcement of Sections 56.61 and 56.62 through other legal remedies

or procedures. The procedure provided for in sections 56.61 and 56.62

is in addition to any other statute, ordinance, or law. Sections 56.61

and 56.62 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 sections 56.61 and 56.62, 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 sections 56.61 and

56.62 .

Section 2.   That a full reading of this ordinance is dispensed with prior to its final

passage, a written or printed copy having been available to the City Council and the public a day

prior to its final passage.

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Section 3.   This ordinance shall take effect and be in force on the thirtieth day from and

after its passage.

APPROVED: CASEY GWINN, City Attorney

By _Simon SL_   _3/7/03_
    Simon Silva
    Deputy City Attorney

SS:jp
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Or.Dept:Council
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